

APPENDIX

Signed by Governor
(May 21, 1987)

H.B. 834 (Effective September 1, 1987)
H.B. 852 (Effective August 31, 1987)
H.B. 9 (Effective August 31, 1987)
S.B. 953 (Effective August 31, 1987)
S.B. 496 (Effective August 31, 1987)
S.B. 861 (Effective immediately)
S.B. 895 (Effective September 1, 1987)
S.B. 894 (Effective September 1, 1987)
S.B. 751 (Effective January 1, 1988)
S.B. 715 (Effective immediately)
S.B. 440 (Effective September 1, 1987)
S.B. 218 (Effective September 1, 1987)
S.B. 742 (Effective immediately)
S.B. 896 (Effective September 1, 1987)

SIXTY-THIRD DAY
(Friday, May 22, 1987)

The Senate met at 9:30 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejada, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Truan.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Father, this morning we pause and give thanks that we are a part of Your creation and benefactors of Your grace. Help us to begin the day with the assurance of Your presence. Encourage these that are in places of leadership and give to them the insight required in this time of decision. May each one provide themselves time for thought and assist us all that we may avoid mistakes of yesterday. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Blake submitted the following report for the Committee on Administration:

H.C.R. 66
S.R. 572
S.R. 571
S.C.R. 124
C.S.S.C.R. 129

Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.C.R. 132

Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.B. 550
C.S.H.B. 2466

Senator Edwards, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.C.R. 136

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 2031

Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 925

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.C.R. 133
C.S.H.C.R. 110
C.S.S.C.R. 123

Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

H.B. 2560

Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.B. 313
C.S.H.B. 1739

Senator Zaffirini, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.S.C.R. 135

Senator Edwards, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 1869

Senator Jones submitted the following report for the Committee on Finance:

H.B. 547
H.B. 959
S.B. 1511
H.B. 1587
H.B. 1606
H.B. 1714
H.B. 1814
C.S.S.B. 1519
C.S.H.B. 354
C.S.H.B. 2151
C.S.H.B. 2213

Senator Caperton submitted the following report for the Committee on Jurisprudence:

C.S.H.B. 578
C.S.H.B. 1960
H.B. 999 (Amended)
H.B. 2036
H.B. 1360
H.B. 1363
H.B. 160
H.B. 365 (Amended)
H.B. 366
H.B. 575
H.B. 576
H.B. 577
H.B. 813
H.B. 624 (Amended)
H.B. 1685
C.S.H.B. 1356
H.B. 2087
H.B. 715
H.B. 877
H.B. 669
S.B. 1455 (Amended)
H.B. 2024
S.B. 8 (Amended)

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 162 (Amended)
H.B. 1632 (Amended)
C.S.H.B. 1230
H.B. 77
H.B. 2262
H.B. 175
H.B. 1488 (Amended)
H.B. 2012
H.B. 1018
H.B. 2095
H.B. 798
S.B. 1412

S.B. 454
H.B. 2408
H.B. 2119
H.B. 967
H.B. 697
H.B. 655 (Amended)
H.B. 534 (Amended)
H.B. 396
H.B. 359
H.B. 349
H.B. 335 (Unfavorably)
H.B. 249
H.B. 65
C.S.H.B. 826
C.S.H.B. 631

H.B. 2143 (Amended)
C.S.H.B. 1262

H.B. 2526
H.B. 1879
S.B. 1495
H.B. 1838
H.B. 1820 (Amended)
H.B. 1870
H.B. 449
H.B. 1311
C.S.H.B. 1708
H.B. 1728
H.B. 2123
H.B. 665
C.S.H.B. 2011
H.B. 2549
H.B. 637
H.B. 278 (Amended)
S.B. 1544
H.B. 2109
H.B. 1318

S.C.R. 138 by Brooks Health and Human Services
Directing the Long-Term Care Coordinating Council for the Elderly to study the needs of Texas nursing home residents.

S.C.R. 139 by Zaffirini Health and Human Services
Expressing support that the children of this State no longer be deprived of the additional drug education courses which these federal funds can provide.

S.B. 1545 by Parmer Jurisprudence
Relating to the liability in tort of certain subregional transportation authorities.

HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House were read the first time and referred to the Committee indicated:

H.J.R. 35, To Committee on Intergovernmental Relations.
H.B. 176, To Committee on Education.
H.B. 272, To Committee on Health and Human Services.
H.B. 350, To Committee on Education.
H.B. 384, To Committee on Economic Development.
H.B. 554, To Committee on Criminal Justice.
H.B. 742, To Committee on Economic Development.
H.B. 814, To Committee on Health and Human Services.
H.B. 1006, To Committee on Intergovernmental Relations.
H.B. 1163, To Committee on Finance.
H.B. 1183, To Committee on State Affairs.
H.B. 1287, To Committee on Education.
H.B. 1373, To Committee on State Affairs.
H.B. 1412, To Committee on State Affairs.
H.B. 1440, To Committee on Finance.
H.B. 1559, To Committee on Intergovernmental Relations.
H.B. 1564, To Committee on State Affairs.
H.B. 1767, To Committee on Intergovernmental Relations.
H.B. 1831, To Committee on Education.
H.B. 1911, To Committee on Economic Development.
H.B. 1947, To Committee on Economic Development.
H.B. 2056, To Committee on Natural Resources.
H.B. 2085, To Committee on State Affairs.
H.B. 2125, To Committee on Health and Human Services.
H.B. 2216, To Committee on State Affairs.
H.B. 2219, To Committee on Education.
H.B. 2373, To Committee on Intergovernmental Relations.
H.B. 2403, To Committee on Criminal Justice.
H.B. 2572, To Committee on Finance.
H.B. 2599, To Committee on State Affairs.
H.B. 2621, To Committee on Natural Resources.

CO-SPONSOR OF HOUSE BILL 2565

On motion of Senator Brown and by unanimous consent, Senator Whitmire will be shown as Co-sponsor of **H.B. 2565**.

CO-SPONSOR OF HOUSE BILL 574

On motion of Senator Lyon and by unanimous consent, Senator Anderson will be shown as Co-sponsor of **H.B. 574**.

SENATE RESOLUTION 618

Senator Sarpalius offered the following resolution:

WHEREAS, Sunday, May 24, 1987, will be a special day for David William Sarpalius who will celebrate the occasion of his 14th birthday; and

WHEREAS, In the 14 years since his birth in 1973 in Amarillo, David has enriched his life pursuing a variety of interests, and those concerning farm and ranch livestock have been especially rewarding activities for him; and

WHEREAS, His enjoyment in working with and tending chickens has resulted in great personal satisfaction and a source of income for him, in part from selling the eggs of his carefully tended flock; and

WHEREAS, David's quarterhorse mare, Lucky Girl, delighted him with a beautiful foal in 1986 that David has named Lucky Star; an avid lover of animals, the two horses occupy prominent places in his heart; and

WHEREAS, To diversify his activities and interests, David has embarked on a landscaping venture, concentrating thus far on lawn appearance improvement; and

WHEREAS, A versatile, energetic youth who participates in numerous extracurricular activities concentrating on speech activities, David continues to strive for academic excellence; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, congratulate David William Sarpalius on the occasion of his 14th birthday; and, be it further

RESOLVED, That a copy of this resolution be prepared for him as a memento of this milestone in his life with the best wishes of the Texas Senate for much happiness and success in the future.

The resolution was read and was adopted viva voce vote.

MESSAGE FROM SUPREME COURT

The following Message from the Supreme Court was read and was referred to the Committee on Nominations:

THE SUPREME COURT OF TEXAS

Austin, Texas 78711

May 20, 1987

To the Senate of the Seventieth Texas Legislature:

The Supreme Court has made the following appointment which requires the advice and consent of the Senate:

To the Board of Directors of the State Bar of Texas (Texas Civil Statutes, article 320a-1, section 9):

Mrs. Evelyn P. Bonavita of Austin, for a term of three years, expiring in 1990.

A brief biographical sketch of Mrs. Bonavita is attached.

The advice, consent and confirmation of the Senate is requested.

Sincerely,

/s/John L. Hill

John L. Hill

Chief Justice Hill

CONFERENCE COMMITTEE REPORT

HOUSE BILL 81

Senator Farabee submitted the following Conference Committee Report:

Austin, Texas

May 21, 1987

Honorable William P. Hobby
President of the Senate

Honorable Gibson D. "Gib" Lewis
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **H.B. 81** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass.

FARABEE
BROOKS
EDWARDS
URIBE
JONES

On the part of the Senate

A. MORENO
R. CUELLAR
DENTON
PARKER
KUBIAK

On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 807, Relating to establishment of a state water pollution control financial assistance program and a water resources revenue bond program; requiring water conservation programs for certain applicants. (Amended)

S.B. 141, Relating to certain contracts between electric utilities and cogenerators or small-power producers.

S.B. 142, Relating to certificates of convenience and necessity for new electric transmission facilities.

S.B. 10, Relating to the subdivision and use of mineral-bearing land.

S.B. 185, Relating to the remittitur of a bond and the release from liability for the bond if the defendant is arrested or appears before a final judgment of forfeiture of the bond. (Substituted and amended)

S.B. 1405, Relating to tests required by blood banks, records maintained by blood banks and liability for certain activities involving human body parts; providing civil and criminal penalties. (Amended)

S.B. 779, Relating to the regulation of underground storage tanks, imposing certain fees, authorizing charges for late payment, and establishing an underground storage tank fund. (Amended)

H.J.R. 37, Proposing a constitutional amendment relating to the authority of the legislature to regulate an action to recover damages.

S.J.R. 26, Proposing a constitutional amendment relating to the immunity of a city or town from liability for damages arising from its proprietary functions.

S.J.R. 27, Proposing a constitutional amendment authorizing the creation of emergency medical services districts and authorizing those districts to levy an ad valorem tax on property located in the district. (Amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RULE 74a SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 74a was suspended as it relates to the House amendments to S.B. 1160.

SENATE BILL 1160 WITH HOUSE AMENDMENTS

Senator Brooks called S.B. 1160 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - McDonald

Amend S.B. 1160 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Article 4525, Revised Statutes, is amended to read as follows:

Art. 4525. DISCIPLINARY PROCEEDINGS. (a) The board of nurse examiners may refuse to admit persons to its examinations, may refuse to issue a license or certificate of registration or to issue a certificate of re-registration, may refuse to issue a temporary permit, may issue a warning or reprimand with or without stipulations, may suspend for any period not to exceed 2 years, or may revoke the license or certificate of any practitioner of professional nursing, for any of the following reasons:

(1) The violation of any of the provisions of this law, any rule, regulation not inconsistent with this law, or order issued hereinunder.

(2) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice professional nursing.

(3) Conviction of a crime of the grade of felony, or a crime of lesser grade which involves moral turpitude, or any conduct resulting in the revocation of probation imposed pursuant to such conviction.

(4) The use of any nursing license, certificate, diploma or permit, or transcript of such license, certificate, diploma or permit, which has been fraudulently purchased, issued, counterfeited, or materially altered.

(5) The impersonation of, or the acting as a proxy for, another in any examination required by law to obtain a license to practice professional nursing.

(6) Aiding or abetting, directly or indirectly, or in any manner whatsoever, any unlicensed person in connection with the unauthorized practice of professional nursing.

(7) Revocation, suspension, or denial of or any other action relating to the license to practice nursing in another jurisdiction. Certified copy of the order of denial, suspension, [or] revocation, or any other action shall be conclusive evidence thereof.

(8) Intemperate use of alcohol or drugs if the nurse knows or should know that the effects of that use endangers or could endanger patients. Intemperate use includes but is not limited to practicing professional nursing or being on duty or call while under the influence of alcohol or drugs.

(9) Unprofessional or dishonorable conduct which, in the opinion of the board, is likely to deceive, defraud, or injure patients or the public.

(10) Adjudication of mental incompetency.

(11) Lack of fitness to practice by reason of mental or physical health that could result in injury to patients or the public.

(12) Failing to care adequately for patients or to conform to the minimum standards of acceptable professional nursing practice.

(b) Proceedings under this article [Article] shall be begun by filing a written complaint [charges] with the board of nurse examiners [in writing and under oath]. Such complaint [charges] may be made by any person or filed by the board on its own initiative. Unless it would jeopardize an investigation, the board shall notify the registered nurse that a complaint has been filed and the nature of the complaint [persons]. An information file about each complaint filed relating to a licensee shall be maintained by the board. If a written complaint is filed with the board relating to a licensee, the board at least as frequently as quarterly and until final disposition of the complaint, shall notify the party that filed the complaint [parties to the complaint] of the status of the file [complaint] unless notice would jeopardize an [undercover] investigation. The board shall make a timely and appropriate [such] preliminary investigation of the complaint [charges as it deems necessary] and may issue a warning or reprimand to the person against whom the complaint was filed [charged]. If the investigation reveals probable cause to take further disciplinary action, the board shall file formal charges against the registered nurse stating the provisions of this chapter or the board's rules that are alleged to have been violated and a brief description of the acts or omissions that constituted the violation. If the board proposes to refuse to admit a person to its examination, to refuse to issue a temporary permit, license, certificate of registration, certificate of re-registration, or to suspend or revoke a person's permit, license, or certificate, the person is entitled to a hearing before the board. The hearing may be before a subcommittee of the board, a majority of which is composed of registered nurses. The person shall on request be granted a hearing before the entire board. Proceedings for a [these] disciplinary action [actions] are governed by the Administrative Procedure and Texas Register Act[; as amended] (Article 6252-13a, Vernon's Texas Civil Statutes). The board may assess a person found to have violated any provision of this chapter the administrative costs of conducting a hearing to determine that violation. If a licensed professional nurse voluntarily surrenders his or her [said] license to the board and executes a sworn statement that he or she no longer desires to be licensed, the board may revoke his or her [said] license without the necessity of formal charges, notice, or opportunity of hearing.

(c) Any person whose license or certificate to practice professional nursing has been revoked or suspended by the board or who has been otherwise disciplined by the board may take an appeal to any of the district courts in the county of residence, but the decision of the board shall not be enjoined or stayed except on application to such district courts after notice to the board. Upon application the board may reissue a license or certificate to practice professional nursing to a person whose license has been revoked or suspended but such application, in case of revocation, shall not be made prior to one year after the revocation was issued and shall be made in such manner and form as the board may require.

(d) The board shall have the right and may, upon majority vote, rule that the order denying an application for a license or suspending any license be probated so long as the probated practitioner conforms to such orders and rules as the board may set out in the terms of probation, including, but not limited to, limiting the practice of the person to, or by excluding, one or more specified activities of professional nursing or requiring the person to submit to supervision, care, counselling, or treatment of a practitioner designated by the board. The board, at the time of probation, shall set out the period of time which shall constitute the probationary period; provided further that the board may at any time while the probationer

remains on probation hold a hearing and upon majority vote rescind the probation and enforce the board's original action in denying or suspending such license. The said hearing to rescind the probation shall be called by the president of the board who shall cause to be issued a notice setting the time and place for the hearing and containing the charges or complaints against the probationer, said notice to be served on the probationer or his or her counsel at least 20 days prior to the time set for the hearing. Notice shall be sufficient if sent by registered or certified mail to the person charged at the person's most recent address as shown in the records of the board [address shown on his or her most recent application for certificate of registration or re-registration].

(c) The board of nurse examiners is charged with the duty of aiding in the enforcement of the provisions of this chapter, and may retain legal counsel to represent the board, but prior to retaining outside legal counsel, the board shall request the attorney general to perform such services and may only retain outside counsel if the attorney general so certifies to the board that the attorney general cannot provide such services. The board shall have the power to issue subpoenas, compel the attendance of witnesses, administer oaths to persons giving testimony at hearings, and cause the prosecution of all persons violating any provisions of this chapter. It shall keep a record of all its proceedings and make an annual report to the Governor. Any member of the board may present to a prosecuting officer complaints relating to violations of any of the provisions of this chapter, and the board through its members, officers, counsel, or agents shall assist in the trial of any cases involving alleged violation of this chapter, subject to the control of the prosecuting officers. The Attorney General is directed to render such legal assistance as may be necessary in enforcing and making effective the provisions of this chapter; provided that this shall not relieve the local prosecuting officers of any of their duties under the law as such.

(f) Any person, corporation, or other entity, however organized, shall respond promptly and fully to any request for information by the board and to any subpoena issued by the board. No such request or subpoena may be refused, denied, or resisted except on the grounds that such request or subpoena calls for information within the attorney/client privilege. No other privilege shall apply to proceedings of the board. All subpoenas issued at the request of the board may be served either personally by a board investigator, by certified mail, or in any other manner authorized by law. The board may pay a reasonable fee for photocopies subpoenaed at the board's request not to exceed the amount the board charges for copies of its records. The board shall protect, to the extent possible, the identity of patients named in information received by the board.

(g) A complaint and investigation concerning a registered nurse under this article and all information and materials compiled by the board in connection with a complaint and investigation are confidential and not subject to disclosure under Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the board or its employees or agents involved in licensee discipline except that this information may be disclosed to:

- (1) persons involved with the board in a disciplinary action against the nurse;
- (2) professional nursing licensing or disciplinary boards in other jurisdictions;
- (3) peer assistance programs approved by the board under Chapter 701, Acts of the 69th Legislature, Regular Session, 1985 (Article 5561c-3, Vernon's Texas Civil Statutes);
- (4) law enforcement agencies; and
- (5) persons engaged in bona fide research, if all individual-identifying information has been deleted.

(h) The filing of formal charges against a registered nurse by the board, the nature of those charges, disciplinary proceedings of the board, and final disciplinary actions, including warnings and reprimands, by the board are not confidential and are subject to disclosure in accordance with Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

(i) If the board takes a final disciplinary action, including a warning or reprimand, against a registered nurse under this article, the board shall immediately send a copy of the board's final order to the nurse and to the last known employer of the nurse.

SECTION 2. Title 71, Revised Statutes, is amended by adding Article 4525a to read as follows:

Art. 4525a. PROFESSIONAL NURSE REPORTING

Sec. 1. Each registered nurse having reasonable cause to suspect that a registered nurse has exposed or is likely to expose a patient or other person unnecessarily to a risk of harm because of unprofessional conduct, failure to care adequately for a patient, failure to conform to the minimum standards of acceptable professional nursing practice, or impaired status shall report in a signed, written report to the board the name of the nurse committing the violation or suspected violation and any other pertinent information within the nurse's knowledge as the board may require. A registered nurse without personal knowledge of the nurse's actions is not required to report under this section if she or he has reasonable cause to believe the nurse has already been reported.

Sec. 2. (a) Each hospital, health science center, nursing home, home health agency, other health-care facility, state agency, political subdivision, school of professional nursing, temporary nursing service, or person that employs, hires, or contracts for the services of registered nurses that terminates, suspends, or takes other substantive disciplinary action as defined by the board against a registered nurse because a patient or other person was exposed or is likely to be exposed unnecessarily to a risk of harm because of unprofessional conduct, failure to care adequately for a patient, failure to conform to the minimum standards of acceptable professional nursing practice, or impaired status shall report in writing to the board the name of the nurse and such other pertinent information within the knowledge of the facility, agency, school, or person.

(b) Each hospital, nursing home, health science center, home health agency, other health-care facility, state agency, political subdivision, school of professional nursing, temporary nursing service, or person that regularly employs, hires, or otherwise contracts for the services of 10 or more registered nurses shall develop a written plan for identifying and reporting registered nurses in its service who expose or are likely to expose patients or other persons unnecessarily to a risk of harm because of unprofessional conduct, failure to care adequately for a patient, failure to conform to the minimum standards of acceptable professional nursing practice, or impaired status. The plan must include an appropriate process for the review of any incident reportable under this section by a professional nursing peer review committee established and operated under Article 4525b, Revised Statutes, and for the affected nurse to submit rebuttal information to that committee.

(c) The requirement that a report to the board be reviewed by a professional nursing peer review committee applies only to a required report, and review by the peer review committee is only advisory. The requirement may not be construed as subjecting an employer's or other person's administrative decision to discipline a registered nurse to the peer review process, or as preventing an employer or other person from taking disciplinary action before review by the peer review committee is conducted. The review by the peer review committee established under Subsection (b) of this section must include a determination as to whether or not the

nurse undergoing review engaged in conduct that exposed or was likely to expose a patient or other person unnecessarily to risk of harm because of unprofessional conduct, failure to care adequately for a patient, failure to conform to minimum standards of professional nursing practice, or impaired status. The peer review committee's determination shall be included in the report made to the board under Subsection (a) of this section.

Sec. 3. Each professional association of registered nurses or any organization that conducts a certification or accreditation program for registered nurses that expels, decertifies, or takes any other substantive disciplinary action, as defined by the board, against a registered nurse as a result of the registered nurse's failure to conform to the minimum standards of acceptable professional nursing practice shall report in writing to the board the nurse's name and such other pertinent information within the organization's knowledge as the board may require.

Sec. 4. Each state agency that surveys hospitals, nursing homes, health science centers, home health agencies, or other health-care facilities or agencies with respect to quality of professional nursing care provided, unless otherwise expressly prohibited by state or federal law shall report in writing to the board any registered nurse that it has reason to believe exposed or is likely to expose patients or other persons unnecessarily to a risk of harm because of unprofessional conduct, failure to care adequately for a patient, failure to conform to the minimum standards of acceptable professional nursing practice, or impaired status.

Sec. 5. (a) Every insurer providing professional liability insurance to a professional nurse covering claims arising from providing or failing to provide professional nursing care shall submit to the board the report or data required by this section at the time prescribed.

(b) The report or data shall be provided with respect to a complaint filed against an insured in court, if the complaint seeks damages relating to the insured's conduct in providing or failing to provide professional nursing care, and with respect to settlement of a claim or lawsuit made on behalf of the insured.

(c) If a registered nurse named as a defendant in a claim arising from providing, or failing to provide, professional nursing care does not carry or is not covered by professional liability insurance or is insured by a nonadmitted carrier, the information required to be reported under this section shall be the responsibility of the registered nurse.

(d) The following report or data shall be furnished by an insurer or nurse under this section to the board within 30 days after date of receipt by the insurer of a complaint:

- (1) the name of the person against whom the claim is filed;
- (2) the policy number;
- (3) the policy limits;
- (4) a copy of the petition;
- (5) a copy of the answer; and
- (6) other pertinent data and information within the knowledge of the person

required to make the report, as the board may require.

(e) The following report or data and information shall be furnished by an insurer or nurse under this section to the board within 30 days after the date of a judgment, dismissal, or settlement of suit involving the insured or nurse, or settlement of any claim on behalf of the insured or nurse without the filing of a lawsuit:

- (1) the date of the judgment, dismissal, or settlement;
- (2) whether an appeal has been taken and by which party;
- (3) the amount of the settlement or judgment against the insured or nurse;

and

(4) other pertinent information within the knowledge of the person required to make the report, as the board may require.

Sec. 6. Not later than the 30th day after the date on which a person known to be a registered nurse, licensed or otherwise lawfully practicing in this state or applying to be so licensed to practice, is convicted of a felony, a misdemeanor involving moral turpitude, a violation of state or federal narcotics or controlled substance laws, or an offense involving fraud or abuse under the Medicare or Medicaid programs or after a determination by a court that adjudges or includes a finding that a registered nurse is mentally ill or mentally incompetent, whether or not the conviction, adjudication, or finding is entered, withheld, or appealed under the laws of this state, the attorney representing the state shall cause the clerk of the court of record in which the conviction, adjudication, or finding was entered to prepare and forward to the board a certified true and correct abstract of the record of the court governing the case. The abstract must include the name and address of the nurse or applicant, the nature of the offense committed, the sentence, and the judgment of the court. The board shall prepare the form of the abstract and shall distribute copies of it to all district attorney and county attorney offices within this state with appropriate instructions for preparation and filing.

Sec. 7. A registered nurse may file a signed, written report to the appropriate licensing board to report a licensed health care practitioner, agency, or facility that the nurse has reasonable cause to believe has exposed a patient to substantial risk of harm as a result of failing to provide patient care that conforms to the minimum standards of acceptable and prevailing professional practice.

Sec. 8. If a nurse required to be reported under this article is impaired or suspected of being impaired by dependency on chemicals or by mental illness, that nurse, in lieu of being reported to the board, may be reported to a peer assistance program approved by the board under Chapter 701, Acts of the 69th Legislature, Regular Session, 1985 (Article 5561c-3, Vernon's Texas Civil Statutes).

Sec. 9. An individual, organization, agency, facility, or other person is not liable in any civil action for failure to file a report required by this article, but the appropriate state licensing agency may take action against a licensed practitioner, agency, or facility for not reporting as required.

Sec. 10. (a) An individual, organization, agency, facility, or other person that, without malice, makes a report required or permitted or reasonably believed to be required or permitted under this article or chapter is immune from civil liability and may not be subjected to any other retaliatory action as a result of making that report.

(b) An individual, organization, agency, facility, or other person named as a defendant in any civil action or subjected to any other retaliatory action as a result of filing a report required, permitted, or reasonably believed to be required or permitted under this article or chapter may file a counterclaim in any pending action or may prove a cause of action in a subsequent suit to recover defense costs, including reasonable attorney's fees and actual and punitive damages if the suit or retaliatory action is determined to be frivolous, unreasonable, or taken in bad faith.

Sec. 11. (a) No person shall suspend, terminate, or otherwise discipline or discriminate against a person reporting, without malice, under this article. A person has a cause of action against an individual, organization, agency, facility, or other person that suspends or terminates the employment of the person or otherwise disciplines or discriminates against the person for reporting under this article. The person may recover:

(1) actual damages, including damages for mental anguish even though no other injury is shown, or \$1,000, whichever amount is greater;

(2) exemplary damages;

(3) costs of court; and

(4) reasonable attorney's fees.

(b) In addition to amounts recovered under Subsection (a) of this section, a person whose employment is suspended or terminated in violation of this section is entitled to:

(1) reinstatement in the employee's former position or severance pay in an amount equal to three months of the employee's most current salary; and

(2) compensation for wages lost during the period of suspension or termination.

(c) A person who sues under this section has the burden of proof, but in the event of a determination by either the board or a court of competent jurisdiction that the report or abstract made the subject of the cause of action was authorized or required under Section 1, 2, 3, 4, 5, 6, 7, or 8 of this article and that it was made without malice, it is a rebuttable presumption that a person's employment was suspended or terminated for reporting under this article if the person is suspended or terminated within 60 days after making the report.

(d) An action under this article may be brought in the district court of the county:

(1) in which the plaintiff resides;

(2) in which the plaintiff was employed by the defendant; or

(3) in which the defendant conducts business.

Sec. 12. (a) The board shall notify each registered nurse who is reported to the board under Section 1, 2, 3, 4, or 5 of this article of the filing of the report unless doing so would jeopardize an active investigation.

(b) The registered nurse or the nurse's authorized representative is entitled on request to review any report submitted to the board under Section 1, 2, 3, 4, or 5 of this article unless doing so would jeopardize an active investigation. The identity of the individual making or signing the report may not be revealed.

(c) The registered nurse or authorized representative may place into the record a statement of reasonable length containing the registered nurse's rebuttal of any information existing in the report. That statement shall at all times accompany that part of the report being rebutted.

Sec. 13. If at any time the board determines that a report submitted under this article is without merit, the report shall be expunged from the registered nurse's file.

Sec. 14. A report required or authorized under this article and the identity of the person making the report are confidential and may not be disclosed except as follows:

(1) the board may use the information in connection with an investigation or disciplinary action against a licensee or in the subsequent trial or appeal of a board action or order;

(2) the board may disclose the information to a licensing or disciplinary authority of another jurisdiction;

(3) the board may disclose the information to a peer assistance program approved by the board under Chapter 701, Acts of the 69th Legislature, Regular Session, 1985 (Article 5561c-3, Vernon's Texas Civil Statutes);

(4) the board may disclose the information to a person engaged in bona fide research or other educational purpose if all individual-identifying information is first deleted;

(5) with respect to any report made under Section 2 of this article, the board, on the request of any organization or other person required to report under Section 2 of this article, shall provide to the organization or person information about the allegations contained in the report, the findings of the peer review committee, and the status of the board's investigation; or

(6) the information may be disclosed in any civil suit in which a person is named as a defendant as a result of the person making the report or in the prosecution of any cause of action based on a claim that the person making the report was subject to retaliatory action as a result of making the report.

Sec. 15. (a) This article does not prevent disclosure under Article 4525, Revised Statutes, of formal charges filed by the board or a final disciplinary action taken by the board as a result, in whole or in part, of the submitting of a report under this article. In no event may any report or information submitted as required or authorized by this article be available for discovery or court subpoena or introduced into evidence in a professional nursing liability suit arising out of the provision or failure to provide professional nursing services.

(b) The filing of a report under this article with the board pursuant to this article, an investigation by the board, or any disposition by the board does not prevent an individual, agency, facility, or other person from taking disciplinary action against a registered nurse.

(c) The reporting required under this article does not constitute state action on behalf of the person or organization reporting.

(d) The duty to report or any other provisions under this article may not be nullified through contract.

Sec. 16. (a) The board shall disseminate at least twice a year and at other times determined necessary by the board information that is of significant interest to professional nurses and employers of professional nurses in Texas. The information shall include summaries of final disciplinary action taken against registered nurses by the board since its last dissemination of information.

(b) The board shall inform, in the manner it determines appropriate, registered nurses, facilities, agencies, and other persons of their duty to report under this article.

SECTION 3. Title 71, Revised Statutes, is amended by adding Article 4525b to read as follows:

Art. 4525b. PEER REVIEW

Sec. 1. In this article:

(1) "Professional nursing peer review committee" means a committee composed of at least a majority of registered nurses established under the authority of the governing body of a national, state, or local professional nursing association, a school of professional nursing, the nursing staff of a hospital, health science center, nursing home, home health agency, temporary nursing service, or other health-care facility, or state agency or political subdivision for the purpose of conducting peer review. A professional nursing peer review committee includes the employees and agents of the committee, including assistants, investigators, intervenors, attorneys, and any other person or organization that is employed by or serves the committee in any capacity.

(2) "Peer review" means the evaluation of professional nursing services, the qualifications of professional nurses, the quality of patient care rendered by professional nurses, the merits of complaints concerning professional nurses and professional nursing care, and determinations or recommendations regarding complaints, including:

- (A) the accuracy of nursing assessments and observations;
- (B) appropriateness and quality of the care rendered by a professional nurse;
- (C) reports made to a professional nursing peer review committee concerning activities under the committee's review authority;
- (D) reports by a professional nursing peer review committee to other committees or to the board as permitted or required by law; and
- (E) implementation of the duties of a professional nursing peer review committee by its members, agents, or employees.

Sec. 2. (a) Except as otherwise provided by this article, all proceedings of a professional nursing peer review committee are confidential and all communications made to a professional nursing peer review committee are privileged. A member, agent, or employee of a professional nursing peer review

committee or a participant in any proceeding before the committee may not disclose or be required to disclose a communication made to the committee or a record or proceeding of the committee.

(b) A person who attends a proceeding of a professional nursing peer review committee may not disclose or be required to disclose any information acquired in connection with or in the course of the proceeding or disclose any opinion, recommendation, or evaluation of the committee or any member of the committee.

(c) The members of a professional nursing peer review committee and the persons who provide information to the committee may not be questioned about their testimony before the committee or about opinions formed as a result of the committee proceedings.

(d) Except as otherwise permitted by this article, all information made confidential by this section is not subject to subpoena or discovery in any civil matter, is not admissible as evidence in any judicial or administrative proceeding, and may not be introduced into evidence in a professional nursing liability suit arising out of the provision of or a failure to provide professional nursing services.

Sec. 3. (a) A professional nursing peer review committee shall disclose on request written or oral communications made to the committee and the records and proceedings of the committee to:

- (1) the state board of registration or licensure of any state; or
- (2) a law enforcement authority investigating a criminal matter.

(b) A professional nursing peer review committee may disclose written or oral communications made to the committee and the records and proceedings of the committee to:

- (1) the association, school, agency, facility, or other organization under whose authority the committee is established;
- (2) another professional nursing peer review committee;
- (3) a peer assistance program approved by the board under Chapter 701, Acts of the 69th Legislature, Regular Session, 1985 (Article 5561c-3, Vernon's Texas Civil Statutes);

(4) appropriate state or federal agencies or accrediting organizations which accredit health-care facilities or schools of nursing or which survey facilities for quality of care; or

(5) persons engaged in bona fide research, if all individual-identifying information is deleted.

(c) If a professional nursing peer review committee discloses information under Subsection (a) of this section that could result in the reprimand, suspension, termination, or other disciplinary action of a professional nurse, or itself recommends or takes such action, the committee shall provide the nurse with a detailed summary of information disclosed or the basis of its action or recommendation. The nurse shall be permitted an opportunity to offer rebuttal information and to submit a rebuttal statement of reasonable length. The rebuttal statement shall be included with the information disclosed.

(d) If a committee discloses information to a nurse under this section, the committee has not by that action waived the privilege of nondisclosure of committee information and proceedings.

(e) The peer review committee disclosing the information and the person receiving information disclosed under this section shall protect, to the extent possible, the identity of patients.

Sec. 4. (a) A member of a professional nursing peer review committee or a person participating in peer review under this article who is named as a defendant in a civil action or subjected to other retaliatory action as a consequence of the person's participation in peer review may use information that is confidential under this article in defense of the civil action or in a civil action based on an allegation of retaliation for the person's participation in peer review.

(b) If a person discloses information under this section, the person has not by that action waived the privilege of nondisclosure of all other information privileged under this article.

Sec. 5. A cause of action does not accrue against the members, agents, or employees of a professional nursing peer review committee or against a school of professional nursing, hospital, nursing home, home health agency, health science center, other health-care facility, the nursing staff of such a facility, professional nursing association, or other organization from any act, statement, determination or recommendation made, or act reported, without malice, in the course of peer review as defined in this article. A person who, without malice, furnishes records, information, or assistance to a professional nursing peer review committee is not liable in a civil action based on the person's participation or assistance in peer review and may not be subjected to retaliatory action as a result of such act.

Sec. 6. A professional nursing peer review committee, a person participating in peer review, or an organization, named as a defendant in any civil action or subjected to other retaliatory action as a result of participation in peer review, may file a counterclaim in any pending action or may prove a cause of action in a subsequent suit to recover any defense costs, including court costs, reasonable attorney's fees, and actual and punitive damages if the suit or retaliatory action is determined to be frivolous, unreasonable, without foundation, or taken in bad faith.

Sec. 7. (a) A court may not enjoin the activities of a professional nursing peer review committee under this article.

(b) The provisions of this article may not be nullified by contract.

SECTION 4. Article 4527, Revised Statutes, is amended to read as follows:
Art. 4527. FEES. The Board of Nurse Examiners shall establish reasonable and necessary fees for the administration of its functions in amounts not to exceed:

Admission fee to examination	\$200	[75]
Duplicate or substitute of current certificate	25	[+0]
Duplicate or substitute of permanent certificate	25	[+0]
Duplicate permits	15	[5]
Endorsement with or without examination	150	[75]
Re-registration	50	[25]
Issuance of a temporary permit under Article 4523	25	[+5]
Reactivating from inactive status	30	
Issuing credentials to Accreditation		
of new schools and programs	150	
[Approval of exchange visitor programs	75	
[Proctoring of examinations of examinees		
from other states	115]	
Filing of affidavits in re-change of name	10	
Verification of records	50	[+0]
Bad checks	25	[+5]
Advanced Nurse Practitioner-initial credentials	50	
Advanced Nurse Practitioner-renewal of credentials	25	

The Board shall not maintain unnecessary fund balances, and fee amounts shall be set in accordance with this requirement. The Board shall set and collect a sales charge for copies of any paper or record in the office of the Board and for any printed material published by the Board. The charges are to be in an amount considered

sufficient to reimburse the Board for its actual expenses. All fees received by said Board under this law shall be placed in the State Treasury to the credit of a special fund to be known as the "Professional Nurse Registration Fund" and the Comptroller shall upon requisition of the Board from time to time draw warrants upon the State Treasurer for the amounts specified in such requisition; provided, however, all fees collected by the Board and deposited in the Professional Nurse Registration Fund shall be expended as specified by itemized appropriation in the General Appropriations Act and shall be used by the Board, and under its directions, only for purposes of carrying out this Act. The Board may use any of the fees and charges collected by it, as necessary, to retain, hire, or contract for additional prosecutors, hearing examiners, investigators, and support staff as necessary to aid in the investigation of complaints and the prosecution of persons subject to the Board's jurisdiction. This provision shall apply to all fees ~~[on hand on September 1, 1981, and all fees]~~ of whatsoever nature as permitted by law ~~[now or as amended]~~. The state auditor shall audit the financial transactions of the Board during each fiscal biennium.

SECTION 5. Article 4527b, Revised Statutes, is amended to read as follows:

Art. 4527b. PENALTY. A person who violates any provision of Article 4527a, Revised Statutes, commits an offense. Except as provided by this section, an offense under that article is a Class A misdemeanor. If it is shown in the trial of a person allegedly in violation of that article that the person has once before been convicted of a violation of Article 4527a, on conviction the person shall be punished for a third degree felony. Each day of violation constitutes a separate offense. On final conviction of an offense under that article, a person forfeits all rights and privileges conferred by virtue of licensure under this chapter [is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$500; confinement in jail for a term not to exceed 30 days, or both].

SECTION 6. Each entity in existence on the effective date of this Act that is required by Section 2(b), Article 4525a, Revised Statutes, as added by this Act, to develop a plan for reporting certain actions of registered nurses shall have the plan in operation on January 1, 1988.

SECTION 7. This Act takes effect September 1, 1987.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Floor Amendment - McDonald

Amend C.S.S.B. 1160 as follows:

(1) Amend C.S.S.B. 1160, page 3, line 3, by inserting the following after "practice":

"that, in the opinion of the board, exposes a patient or other person unnecessarily to risk of harm".

(2) Amend C.S.S.B. 1160 on page 16, line 22, by adding the following new sentence after "rebutted.":

"The board, in investigating the report, shall review that statement and evaluate any reasons asserted by the nurse as justifying his or her conduct."

(3) In Section 4, page 24, lines 14 and 15, delete the words "Issuing credentials to" and substitute the words "Accreditation of".

The amendments were read.

Senator Brooks moved to concur in the House amendments.

The motion prevailed viva voce vote.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 523 ADOPTED

Senator Edwards called from the President's table the Conference Committee Report on S.B. 523. (The Conference Committee Report having been filed with the Senate and read on Thursday, May 21, 1987.)

On motion of Senator Edwards, the Conference Committee Report was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.C.R. 101	H.B. 1874	S.B. 564
H.C.R. 166	H.B. 1953	S.B. 611
H.J.R. 4	H.B. 2082	S.B. 616
H.J.R. 5	S.C.R. 75	S.B. 619
H.J.R. 96	S.C.R. 76	S.B. 635
H.B. 3	S.C.R. 120	S.B. 643
H.B. 5	S.C.R. 127	S.B. 683
H.B. 327	S.C.R. 131	S.B. 884
H.B. 507	S.B. 64	S.B. 929
H.B. 815	S.B. 95	S.B. 952
H.B. 973	S.B. 148	S.B. 1001
H.B. 1021	S.B. 176	S.B. 1248
H.B. 1232	S.B. 395	S.B. 1292
H.B. 1314	S.B. 488	S.B. 1362
H.B. 1326	S.B. 489	S.B. 1383
H.B. 1330	S.B. 531	
H.B. 1531		

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.J.R. 37, To Committee on Economic Development.

GUEST PRESENTED

Senator McFarland was recognized and introduced the Capitol Physician for the Day, Dr. Curtis McGinley of Bedford.

Dr. McGinley was welcomed and received an expression of appreciation from the Senate for his service.

CONFEREES ON SENATE BILL 123 GRANTED PERMISSION TO MEET

On motion of Senator Jones and by unanimous consent, the Senate conferees, Senators Jones, Farabee, Brooks, Caperton and Montford, on S.B. 123 were

granted permission to meet while the Senate was in session with the House conferees in the Lieutenant Governor's Committee Room.

(Senator Brooks in Chair)

**COMMITTEE SUBSTITUTE SENATE BILL 100
ON THIRD READING**

Senator Leedom moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 100, Relating to state premium contributions under the Texas employees uniform group insurance plan.

The motion prevailed by the following vote: Yeas 19, Nays 8.

Yeas: Barrientos, Blake, Brown, Caperton, Farabee, Glasgow, Green, Harris, Henderson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Sims, Uribe, Washington.

Nays: Armbrister, Brooks, Edwards, Johnson, Parmer, Sarpalius, Tejeda, Zaffirini.

Absent: Anderson, Santiesteban, Whitmire.

Absent-excused: Truan.

The bill was read third time and was finally passed viva voce vote.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Yea" on the final passage of the bill.

**SENATE CONCURRENT RESOLUTION 130
ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 130, Directing the State Board of Education in cooperation with the Texas Commission on Alcohol and Drug Abuse to study the problem of substance abuse by public school students.

The resolution was read second time and was adopted viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 680
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 680, Relating to the award of good conduct time to inmates and to the eligibility of certain inmates for release on parole or mandatory supervision.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 680
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 680** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 682
ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 682, Relating to the sentencing and commitment of certain delinquent children to the Texas Youth Commission, the transfer of those children to the Texas Department of Corrections, and the admissibility of certain juvenile court adjudication records in the penalty phase of criminal trials.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend **C.S.H.B. 682** as follows:

1. On page 6, line 11, strike "on receipt of a request by the commission under Section 61.079(b), Human Resources Code, for release or transfer to the Texas Department of Corrections,".
2. On page 6, line 66, strike "(2) the retention of the person in the youth commission, subject to any subsequent release hearing under this section on the request of the Texas Youth Commission;".
3. On page 6, line 69, renumber section (i)(3) to subsection (i)(2).
4. On page 7, line 32, strike "Section 54.11(i)(3)" and substitute "Section 54.11(i)(2)".
5. On page 7, line 38, between "child" and "is" add "under the age of 18".
6. On page 7, line 49, strike "21st" and substitute "18th".
7. On page 7, line 63, strike ", or to retain custody of,".
8. On page 8, strike lines 9-14 and reletter section c as section b.

The amendment was read and was adopted viva voce vote.

On motion of Senator Tejeda and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**COMMITTEE SUBSTITUTE HOUSE BILL 682
ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 682** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE HOUSE BILL 683 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 683, Relating to the admissibility of certain juvenile court adjudication records in the penalty phase of criminal trials.

The bill was read second time and was passed to third reading viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 683 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 683** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 684 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 684, Relating to the joinder of offenses in criminal cases.

The bill was read second time and was passed to third reading viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 684 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 684** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE HOUSE BILL 685
ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 685, Relating to the regulation of the sale and transfer of certain chemical precursors to controlled substances; providing penalties.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 685
ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 685** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 687 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 687, Relating to qualifications for homeowners insurance inspectors.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 687 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 687** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE JOINT RESOLUTION 18 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.J.R. 18, Proposing a constitutional amendment relating to the creation, operation, and financing of jail districts.

The resolution was read second time and was passed to third reading viva voce vote.

HOUSE JOINT RESOLUTION 18 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.J.R. 18** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 400 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 400, Relating to the creation, administration, powers, duties, operations, and financing of jail districts; granting the power of eminent domain; providing a penalty.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 400 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 400** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 1175 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1175, Relating to certain arrests made without warrants.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1175 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1175** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

COMMITTEE SUBSTITUTE HOUSE BILL 161 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 161, Relating to the spousal exemption from prosecution for sexual assault.

The bill was read second time and was passed to third reading viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 161 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 161** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 484 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 484, Relating to the creation of a treatment program for inmates in the Texas Department of Corrections who have committed sexual offenses.

The bill was read second time.

Senator Edwards offered the following committee amendment to the bill:

Amend **H.B. 484** on page 2, lines 24 and 25:

delete "is not" and add "may be" after "Corrections".

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 484 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 484** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 279 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 279, Relating to granting limited law enforcement authority to special agents and law enforcement officers of the United States Forest Service.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 279 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 279** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 95 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 95, Relating to authorizing written admonitions to defendants in criminal cases.

The bill was read second time and was passed to third reading viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 23 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 23, Relating to the time limitations applicable to the prosecution of a criminal case.

The bill was read second time and was passed to third reading viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 23 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

(Senator Glasgow in Chair)

HOUSE BILL 1552 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1552, Relating to information provided to crime victims and certain other persons about victims' rights and the criminal justice system.

The bill was read second time.

Senator Krier offered the following amendment to the bill:

Amend **H.B. 1552** on page 2, between lines 49 and 50, by inserting new Sections 4 and 5 to read as follows and by renumbering current Sections 4 and 5 as Sections 6 and 7:

SECTION 4. Section 14, Crime Victims Compensation Act (Article 8309-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 14. FUNDS. (a) The Compensation to Victims of Crime Fund is created in the State Treasury to be used by the board for the payment of

compensation to claimants under this Act and other expenses in administering this Act. The Compensation to Victims of Crime Auxiliary Fund is created in the State Treasury to be used by the board only for the payment of compensation to claimants under this Act. The board shall make no compensation payments which exceed the amount of money in the combined funds. No general revenues may be used for payments under this Act.

(b) A person shall pay \$20 as a court cost on conviction of any felony, \$15 as a court cost on conviction of a violation of a municipal ordinance punishable by a fine of more than \$200 or on conviction of a misdemeanor punishable by imprisonment or by a fine of more than \$200, and \$3 as a court cost on conviction of a violation of a municipal ordinance punishable by a fine of not more than \$200 or on conviction of a misdemeanor punishable by a fine of not more than \$200, other than a conviction of a misdemeanor offense or a violation of a municipal ordinance relating to ~~[that regulates]~~ pedestrians and the parking of motor vehicles. The court shall assess and make a reasonable effort to collect the cost due under this section whether or not any other court cost is assessed or collected. The court shall require a person convicted of an offense listed under this section to pay the court cost whether or not the court grants the person a probated sentence. If a person is granted deferred adjudication under Article 42.12~~[-42.13;]~~ or 45.54, Code of Criminal Procedure~~[-1965, as amended]~~, at the time the court grants deferred adjudication, the person shall pay as a court cost the amount that the person would have otherwise been required to pay under this subsection had the adjudication not been deferred and had the person been finally convicted of the offense.

(c) Court costs under this section are collected in the same manner as other fines or costs.

(d) The officer collecting the costs in a municipal court case shall keep separate records of the funds collected as costs under this section and shall deposit the funds in the municipal treasury. The officer collecting the costs in a justice, county, or district court case shall keep separate records of the funds collected as costs under this section and shall deposit the funds in the county treasury.

~~[(e) On receipt, the custodian of a municipal or county treasury may deposit the funds collected under this section in interest bearing accounts. The custodian shall keep records of the amount of funds on deposit collected under this section and shall remit to the comptroller of public accounts before the 10th day of each month the funds collected under this section during the preceding month. The city and the county may retain five percent of the funds collected under this section as a collection fee. The city or county may also retain all interest accrued on the funds.]~~

(e) The custodian of a municipal or county treasury shall keep records of the amount of funds on deposit collected under this section and shall remit to the comptroller of public accounts before the last day of each calendar quarter the funds collected under this section during the preceding quarter. The city and the county may retain 10 percent of the funds collected under this section as a collection fee. If no funds due as costs under this section have been collected in a quarter, the report required for the quarter shall be filed in the regular manner, and the report must state that no funds due under this section were collected.

(f) The comptroller of public accounts shall deposit the funds received by him or her under this section in the Compensation to Victims of Crime Fund. Funds collected are subject to audit by the comptroller and funds expended are subject to audit by the State Auditor.

(g) The board shall establish a policy to adjust awards and payments so that the total amount of awards granted in each calendar year does not exceed the amount of money deposited in the fund during that year.

(h)(1) If the board has reason to believe that a court has not been assessing and/or has not been making a reasonable effort to collect the costs due under this

section, the board shall issue a letter of warning to the court or to the governing body of the governmental unit in which the court is located.

(2) The court or governing body shall respond in writing to the board within 60 days, making specific references to the charges contained in the letter of warning.

(3) If no response is made or if the board deems the response inadequate, the board may request the comptroller of public accounts to audit the records of the court, the records of the officer charged with collecting the cost, or the treasury of the governmental unit in which the court is located.

(4) The comptroller will provide the board with the results of said audit.

(5) Using the results of said audit and any other evidence available, the board may find that a court is not assessing and/or is not making a reasonable effort to collect costs due under this section.

(6) The board, upon making such a finding may refuse to make any awards under this Act to residents of the jurisdiction served by the court and/or notify the State Commission on Judicial Conduct of its findings.

(7) The failure, refusal, or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

SECTION 5. (a) The change in law made by this Act applies only to the costs imposed for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) Costs imposed for an offense committed before the effective date of this Act are covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. This Act takes effect September 1, 1987.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 1552 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1552 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 2308 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 2308, Relating to requiring prisoners in a county jail to reimburse that county for medical, dental, and health services paid on his behalf.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 2308
ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 2308** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 791 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 791, Relating to the authority of certain rapid transit authorities and regional transportation authorities to commission peace officers and to the authority of certain rapid transit authorities to adopt and enforce regulations.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **H.B. 791** by adding Subsections (22) and (23) to Article 2.12 to read as follows:

(22) any certified fire inspector working in a fire prevention division of a fire department in a city with a population of 1,500,000 or more according to the most recent federal census.

(23) officers commissioned by the boards of trustees of school districts under Section 21.483, Education Code.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 791 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 791** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 1239 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1239, Relating to the classification of Parks and Wildlife Code misdemeanors and to jurisdiction of misdemeanor offenses charged under that code.

The bill was read second time.

Senator Santiesteban offered the following committee amendment to the bill:

Amend **H.B. 1239** as follows:

On page 1, line 11: After "than" strike \$3,000.

Line 12: Remove the strike marks and brackets from the \$2,000.

Line 19: After "than" strike \$2,000.

Line 20: Remove the strike marks and brackets from the \$1,000.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 1239 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1239** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 502 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 502, Relating to the adjudication and disposition of children who engage in certain conduct involving the inhalation of certain substances.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 502 ON THIRD READING

Senator Zaffirini moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 502** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

SENATE BILL 922 ON SECOND READING

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 922, Relating to regulating visibility obstructions at a county street or roadway intersection; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Armbrister asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 922 ON THIRD READING

Senator Tejeda moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 922** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Anderson, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sims, Tejeda, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Armbrister.

Absent-excused: Truan.

**SENATE CONCURRENT RESOLUTION 87
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 87, Requesting the Department of Human Services to implement certain recommendations regarding relations with care providers.

The resolution was read second time.

Senator Brooks offered the following amendment to the resolution:

Amend **S.C.R. 87** by striking everything beginning with the first "Whereas" clause and by substituting in lieu thereof the following:

WHEREAS, In October 1985, Lieutenant Governor William P. Hobby and Speaker of the House Gibson D. (Gib) Lewis created the Joint Special Committee on Department of Human Services Audits; and

WHEREAS, The committee held public hearings in 1986 to address concerns of consumers and health care providers regarding the standards and procedures of the Texas Department of Human Services (TDHS) in auditing contract vendors; and

WHEREAS, In reporting its findings to the 70th Legislature, the committee noted a lack of effective communication between the TDHS audit division and contractors with respect to the department's audit expectations and compliance requirements; and

WHEREAS, The Joint Special Committee on Department of Human Services Audits therefore recommended that semiannual on-site reviews of each contract vendor's documentation be conducted by the department to identify potential problem areas as soon as possible, thereby avoiding subsequent monetary penalty to the contractor at the time of the audit; and

WHEREAS, It was further recommended that TDHS should conduct annual meetings in each region allowing department contract managers and contractors to review the department's audit expectations and inform contractors of any changes in audit standards and procedures; and

WHEREAS, A third recommendation suggested that the Texas Department of Human Services provide an impartial forum for addressing problems and exchanging information on a timely basis between contractors and appropriate representatives of the department's audit division; and

WHEREAS, The Committee also recognized the need to establish a panel, including statistical experts independent of state agencies, to design an appropriate sampling and extrapolation method to be used by state agencies with auditing responsibilities; now, therefore, be it

RESOLVED, That the 70th Legislature of the State of Texas hereby direct the Texas Department of Human Services to implement the following committee recommendations:

1. continue to conduct semiannual on-site program reviews of each contractor's records to identify potential problem areas to include potential audit problems and thus avoid subsequent problems and monetary penalties to contract vendors at the time of contract renegotiation, contract close-outs or audits;
2. continue to conduct annual meetings in each region between TDHS contract managers and contract vendors to review the department's program and audit expectations and any changes in its program or audit standards and procedures; and
3. provide an impartial forum in which contractors and appropriate department program and audit division staff can address problems and exchange information on a timely basis; and, be it further

RESOLVED, That the 70th Legislature of the State of Texas hereby establishes the Committee on TDHS Audit Sampling Methodology; and, be it further

RESOLVED, That the Committee shall develop and recommend a statistically appropriate methodology for sampling and extrapolation to be used by the TDHS during contract audits; and be it further

RESOLVED, That the Texas Health and Human Services Coordinating Council shall provide staff support to the Committee; and, be it further

RESOLVED, That appointments to the Committee on TDHS Audit Sampling Methodology shall be made as follows:

- (1) the lieutenant governor shall appoint as chairman a statistician with expertise in sampling methodology who is associated with a Texas institution of higher education;
- (2) the lieutenant governor shall appoint a representative of a health care industry which is subject to audit by the Department of Human Services; and
- (3) The speaker of the house shall appoint two statisticians with expertise in sampling methodology who are associated with a Texas institution of higher education; and be it further

RESOLVED, That the chief executive officers, or their designees, of the Department of Human Services and the State Auditor's Office shall also serve on the Committee; and, be it further

RESOLVED, That all members of the Committee shall serve without compensation or reimbursement for travel; and, be it further

RESOLVED, That the Committee on TDHS Audit Sampling Methodology shall submit a formal report of its findings and recommendations by December 1, 1988, to the lieutenant governor, speaker of the house, the Senate Committee on Health and Human Services, the House Committee on Human Services, and the Texas Health and Human Services Coordinating Council; and, be it further

RESOLVED, That official copies of this resolution be prepared and forwarded to the chair of the Texas Board of Human Services and the Commissioner of Human Services as an expression of the will of the Texas Senate and House of Representatives of the 70th Legislature.

The amendment was read and was adopted viva voce vote.

The resolution as amended was adopted viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 1154
ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1154, Relating to the establishment of support programs to assist mentally or developmentally disabled persons and their families; providing a criminal penalty.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 1154
ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1154** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1158
ON SECOND READING**

On motion of Senator Anderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1158, Relating to the use and acquisition of real and personal property by certain governmental agencies or by nonprofit corporations acting on behalf of governmental agencies.

The bill was read second time.

Senator Anderson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1158** on page 5, line 7 by amending Section 6 to read as follows:

Section 6. APPROVED AND REGISTERED CONTRACTS. After a contract for the purchase of personal or real property providing for payment aggregating

\$100,000 or more by a governmental agency is authorized by the governing body, the contract and the record relating to the contract may, at the discretion of the governmental agency, be submitted to the attorney general for his examination as to the validity of the contract. If the contract has been made in accordance with the constitution and laws of the state, the attorney general shall approve the contract, and the contract then shall be registered by the comptroller of public accounts. After the contract has been approved by the attorney general and registered by the comptroller of public accounts, the validity of the contract is incontestable for any cause. The legal obligations of the lessor, vendor, or supplier of the property to the governmental agency shall not be diminished in any respect by the approval and registration of a contract.

The amendment was read and was adopted viva voce vote.

Senator Anderson offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1158, Section 1(d) so that Section 4(a) reads as follows:

“Sec. 4. (a) Subject to the provisions of this Act, the governing body of a governmental agency is authorized to execute, perform, and make payments under contracts with any person for (i) the use, acquisition, or purchase of any personal property or (ii) the use, acquisition and/or purchase of real property. The governing body of the governmental agency is also authorized to sell notes for cash for the purchase of property pursuant to an order, ordinance or resolution which authorized same and the order, ordinance or resolution which authorized such notes shall constitute a contract pursuant to this Act.

“The contracts may (i) provide for the payment of interest on the unpaid amounts of the contract at a rate or rates and may contain prepayment or termination penalties and other terms (ii) be for a term, with an option to renew or extend the terms, and (iii) be in the form of a lease, a lease with an option, or options to purchase, installment sale or other form, all as may be deemed appropriate by such governing body, as evidenced by execution thereof on its behalf.

The amendment was read and was adopted viva voce vote.

On motion of Senator Anderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1158
ON THIRD READING**

Senator Anderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1158 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 22, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE STATE BOARD OF DENTAL EXAMINERS:

For terms to expire May 10, 1993:

ROGER P. BYRNE, D.D.S.

5314 Everhart

Corpus Christi, Texas 78411

Dr. Byrne will be replacing Dr. Will F. Graham of Borger whose term expired.

RONALD HUGHES SHAMBLIN, D.D.S.

831 Hickory Lane

Jasper, Texas 75951

Dr. Shamblin will be replacing Dr. Brian Babin of Woodville whose term expired.

Respectfully submitted,

/s/ W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

HOUSE BILL 1621 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1621, Relating to the liability of certain persons who clean up hazardous or solid wastes and to the indemnification of those persons.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 1621** by adding the following sentence after the word contract on page 3, line 11:

Nothing in this subsection shall in any way limit or otherwise affect the liability of an engineer or contractor in any other action.

The amendment was read and was adopted viva voce vote.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 1621** by deleting paragraph (i)(2), page 4, lines 8 through 17 and substituting in lieu thereof the following:

(2) Notwithstanding any other provision of this section, an engineer or contractor performing a program of remedial action or cleanup of hazardous waste or solid waste under a contract with a state agency or political subdivision of the

state is liable for any negligent act or omission or for wilful misconduct that results in an actual or threatened release of hazardous waste or solid waste after the abandonment or conclusion of the program only to the extent that the endangerment to public health and safety of the environment is aggravated as a result of such act, omission, or misconduct.

The amendment was read and was adopted viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 1621 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1621 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 943 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 943, Relating to the tax rates and governing bodies of local transportation authorities, providing for audits of those authorities, limiting the use of the revenues of those authorities, and regulating certain purchases by those authorities.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 943** by striking all below the enacting clause and substituting the following:

SECTION 1. Subsection (e), Section 4, Chapter 141 Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

(e)(1) Any member of the board may be removed from office by a majority vote of the remaining members of the board for inefficiency, neglect of duty or malfeasance in office; provided, however, that the board shall furnish to such member a statement in writing of the nature of the charges as grounds for such removal, and the member, before the 11th day after receipt of the statement, may request a hearing before the board and opportunity to be heard in person or through counsel. After any such hearing, if the board by a majority vote finds that the charges are true, it shall confirm its decision to remove the member.

(2) In addition to the method of removal of board members provided by Subsection (e) (1) of this section, board members of an authority in which the rate of the sales and use tax is one percent and whose principal city has a population of

more than 1,200,000, according to the most recent federal census, are subject to removal by the recall procedure provided by this subdivision ~~[subsection (e) (2)]~~.

(i) The qualified voters of the authority by petition may require that the appointing political subdivision reconsider their appointment of a board member ~~[an election be held]~~ to determine whether a member of the board is to be removed from office. A petition is valid if it states that it is intended to require a reconsideration ~~[an election in the authority]~~ on the question of removing an identified board member, if it is signed by qualified voters equal in number to at least 10 percent of the number of ~~[registered]~~ voters of the authority voting in the previous governor's election ~~[according to the most recent official list of registered voters]~~, if the signatures are collected within a period of 90 days prior to the date on which the petition is presented to the appointing political subdivision ~~[board]~~, and if it is submitted to the appointing political subdivision ~~[board]~~ before the first day of the final six months of the term of the member whose removal is sought.

(ii) After receiving a petition, the appointing political subdivision ~~[board]~~ shall submit it to the secretary of state, who, not later than the 10th day after the day he or she receives the petition, shall determine whether or not the petition is valid and shall notify the appointing political subdivision ~~[board]~~ of the finding. If the secretary of state fails to act within the time allowed, the petition is treated as if it had been found valid.

(iii) If the appointing political subdivision ~~[board]~~ receives notice from the secretary of state that the petition is valid or if the secretary of state has failed to act within the time allowed, the appointing political subdivision ~~[board]~~ shall reconsider such appointment and take action to either remove or reconfirm such appointee, ~~[order that an election be held in the authority on a date not fewer than 25 nor more than 35 days after the last day on which the petition could have been approved or disapproved. A state law requiring local elections to be held on a specified date does not apply to the election unless a specified date falls within the time permitted by this section. At the election, the ballots shall be prepared to permit voting for or against the proposition: "The removal of (name of officer) from the rapid transit authority board by recall."]~~

(iv) ~~[If a majority of the qualified voters voting on the question in the election favor the proposition, the member is removed, and the office immediately becomes vacant.]~~ The appointing authority that appointed the member removed by recall shall fill the vacancy not later than the 30th day after the day of removal.

(v) A member removed by recall is not eligible for reappointment to fill the vacancy and is not eligible for appointment to any other position on the board for a length of time after the day of removal equal to the length of a normal term of a member of the board.

(3) In an authority in which the principal city has a population of less than 500,000 according to the last preceding federal census and in which the rate of the sales and use tax is one percent, a board member may be removed from office by a majority vote of the body that appointed that member for malfeasance or nonfeasance in office.

SECTION 2. Subsection (e), Section 11A, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) The board of an authority by order may decrease the local sales and use tax rate or may call an election to increase or decrease the local sales and use tax rate. In addition, the qualified voters of an authority by petition may require that an election be held on the question of increasing the tax rate. A petition is valid if it is signed by qualified voters of the authority equal in number to at least 10 percent of the number of registered voters of the authority according to the most recent official list of registered voters. If the board of an authority decreases the tax rate

by its own order, it may increase the tax rate by a subsequent order to a rate that does not exceed the rate in effect before the order to decrease the tax rate was approved.

SECTION 3. Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by adding Section 12B to read as follows:

Sec. 12B. SPECIAL PROVISIONS APPLICABLE TO CERTAIN AUTHORITIES.

(a) This section applies only to an authority in which the rate of the sales and use tax of the authority is one percent.

(b) In lieu of the audit required by Section 12(f) of this Act, at least once each year, the board of an authority to which this section applies shall have prepared a financial audit of the affairs of the authority by an independent certified public accountant or a firm of independent certified public accountants. The selection by the board of an accountant or firm to perform the audit must be submitted to and approved by the state auditor. The state auditor may not approve an accountant or firm to perform the audit unless he determines that the accountant or firm is qualified to perform the audit and does not have a substantial direct or indirect interest in the results of the audit. If the state auditor does not approve a selection of an accountant or firm submitted for approval, the state auditor must provide the board with a written statement of his reasons for the disapproval. Failure by the state auditor to take action on such selection within 30 days of receipt of the submission shall be deemed an approval.

(c) The report of an audit conducted under Subsection (b) of this section is a public record. The board of the authority shall deliver a copy of the report of an audit performed under this section to the presiding officer of the governing body of each county or municipality having territory in the authority, to the governor, to the lieutenant governor, and the speaker of the house of representatives.

(d) The board of an authority to which this section applies shall establish a program to promote the availability and use of the transportation services of the authority by physically handicapped individuals. Before establishing the program, the board shall hold public hearings relating to the establishment and operation of the program. The program must address the specific transportation problems of physically handicapped individuals and establish mechanisms by which transportation services are to be provided to those individuals.

(e) The board of an authority to which this section applies shall establish a program to encourage participation in contracts of the authority by businesses owned by minority or disadvantaged individuals.

SECTION 4. Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by adding Sections 3A to read as follows:

Sec. 3A. Accountability Review. (a) A metropolitan rapid transit authority created under Section 3 of this Act in which the authorized tax rate is one percent is subject to review under the Texas Sunset Act (Chapter 325, Government Code) but is not abolished under this Act.

(b) The transit authority shall be reviewed every 12th year.

(c) The first review shall occur during the period in which state agencies abolished September 1, 1989, are reviewed. Provided however, in any authority in which the principal city has a population of less than 750,000 according to the most recent federal census and in which the rate of the sales and use tax is one percent the first review shall occur during the period in which state agencies abolished September 1, 1991, are reviewed.

SECTION 5. Chapter 325, Government Code, is amended by adding Section 325.0081 to read as follows:

Sec. 325.0081. APPLICATION OF ACT TO TRANSIT AUTHORITIES. A transit authority created under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), in which the authorized tax rate is one percent is subject to review under this Act as if it were a state agency but is not abolished under this Act.

SECTION 6. Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by adding Section 6F to read as follows:

Sec. 6F. WITHDRAWALS FROM AUTHORITY. (a) This section applies only to those authorities in which the principal city has a population of fewer than 750,000 persons according to the last preceding federal census and in which the rate of the sales and use tax is one percent.

(b) For purposes of this section only

"Unit of election" means:

(1) a principal city;

(2) an unincorporated area designated by a commissioners court under Section 5 of this Act as a discrete unit for purposes of a confirmation election; or

(3) an incorporated municipality other than a principal city.

(c) A unit of election may withdraw from an authority created under this Act only in accordance with this section. An attempt to withdraw from an authority in a manner other than that provided by this section is void.

(d) Subject to other provisions of this section, the governing body of a unit of election may on its own initiative call an election in the unit of election and submit to the voters of the unit of election the proposition prescribed by Subsection (h) of this section.

(e) On receipt of a petition under Subsection (i) of this section, the governing body of a unit of election shall examine the petition. If the governing body determines that the petition conforms with the requirements of this section, the governing body, subject to the other provisions of this section, shall call an election in the unit of election and submit to the voters of the unit of election the proposition prescribed by Subsection (h) of this section. The governing body may call and hold public hearings and may conduct or order any investigations the governing body considers appropriate in making the determination under this subsection. The governing body's determination is conclusive of all issues involved. If the governing body determines that the petition conforms to the requirements of this section, the governing body shall call an election. If the governing body determines that the petition does not conform to the requirements of this section, the governing body shall reject the petition and may not call an election. A petition rejected under this subsection is void and may not be used in connection with any subsequent petitioning process.

(f) An election for withdrawal in a unit of election under this section, whether by governing body initiative or by petition, may not be called more frequently than once during:

(1) the 12-month period beginning September 1, 1987 and ending August 31, 1988; or

(2) the 12-month period beginning September 1, 1993 and ending August 31, 1994; or

(3) any 12-month period beginning five years after the expiration of a 12-month period during which an election may be called under this subsection.

(g) An election called under this section shall be held on the first uniform election date for that type of election under the Election Code following the expiration of 90 days after the date the election is called. Immediately on calling an election, the governing body of the unit of election shall give notice of the election to the board, the State Department of Highways and Public Transportation, and the comptroller of public accounts.

(h) In an election called under this section, the ballot shall be printed to permit voting for or against the proposition: "Shall the (name of authority) be continued in (name of unit of election)?"

The election shall be held in the regular precincts and at the regular voting places of the unit of election in accordance with the Election Code. The governing body of the unit of election shall canvass the returns of the election at the earliest practicable date after the election. If a majority of the qualified voters voting at the election vote in favor of the proposition, the authority shall continue in the unit of election. If a majority of the qualified voters voting at the election vote against the proposition, the authority ceases to exist in the unit of election at midnight on the date the election returns are canvassed, and the financial obligations of the authority attributable to the unit of election cease to accrue at that time.

(i) A person who is a qualified voter of a unit of election may apply to and obtain from the city or town secretary or other clerk or administrator of the unit of election official numbered and properly authenticated petitions for withdrawal prepared by the city or town official in accordance with this subsection, in an amount requested by the person. Not more than one petition may be outstanding at any one time. The secretary, clerk, or administrator shall authenticate and deliver additional sheets to the person as requested during the period for obtaining signatures. To be valid, a petition must contain the personal and actual signatures of not less than 20 percent of the registered voters of the unit of election, as listed on the official voter registration lists of the county or counties in which the unit of election is located, and be filed with the secretary, clerk, or administrator of the unit of election not later than the 60th day after the date the person received the first sheets of the petition. The secretary, clerk, or administrator shall examine the petition and file a report to the governing body of the unit of election stating whether, in the opinion of the secretary, clerk, or administrator, the petition conforms to the requirements of this section. On receipt of the report, the governing body shall conduct its examination as required by Subsection (e) of this section. If the governing body determines that a petition does not conform to the requirements of this section, a sheet of signatures that is a part of the petition containing valid signatures may not be used in connection with any subsequent petitioning process.

(j) A petition may consist of multiple sheets, each of which must be authenticated by the secretary, clerk, or administrator. Each sheet shall be headed with a statement in all capital letters regarding the nature of the petition as follows:

"THIS PETITION IS TO REQUIRE AN ELECTION TO BE HELD IN (name of the unit of election) TO DISSOLVE (name of authority) IN (name of the unit of election) SUBJECT TO THE CONTINUED COLLECTION OF SALES TAXES FOR THE PERIOD REQUIRED BY LAW."

An affidavit of the person who circulated each sheet shall be affixed or printed on each sheet in the following form and substance, and the affidavit shall be executed before a notary public:

"STATE OF TEXAS
COUNTY OF

I, , affirm that I personally witnessed each signer affix his or her signature, the date of signing, his or her voter registration number, and his or her residence address and zip code to this page of this petition for the dissolution of (name of authority) in the (name of unit of election). I affirm to the best of my knowledge and belief that each signature is the genuine signature of the person whose name is signed and that the date entered next to each signature is the date the signature was affixed to this page.

Sworn to and subscribed before me this the _____ day of _____, 19 ____.

(SEAL)

Notary Public, State of Texas

Each sheet of a petition shall be submitted at the same time and within the period prescribed by Subsection (i) of this section. Each person signing a petition must sign the petition in person in ink or indelible pencil and must personally enter beside his signature his current residence address and zip code, his correct voter registration number, and the date of signing. Any signature not accompanied correctly by all of the information required by this subsection is void and may not be counted in determining the validity of the petition.

(k) On the effective date of the withdrawal of a unit of election from an authority created under this Act, all public transportation services provided by the authority to the unit of election shall cease. The withdrawal, however, does not affect any existing or future rights of the authority to proceed through the corporate limits of the unit of election to continue uninterrupted service to other units of election that have not withdrawn or that become a part of the authority in the future.

(l) The withdrawal of a unit of election under this section is subject to the requirements of the federal and state constitutions prohibiting the impairment of contracts. Taxes shall continue to be collected in the unit of election until an amount of taxes equal to the total financial obligations of the unit of election to the authority has been collected. To determine the amount of the total financial obligations of the unit of election, the board shall compute, as of the date of withdrawal, the total of:

(1) the current obligations of the authority authorized in the current budget and contracted for by the authority;

(2) the amount of contractual obligations outstanding at that time for capital or other expenditures in the current or subsequent years, the payment of which has not been made or provided for from the proceeds of notes, bonds, or other obligations;

(3) all amounts due and to become due in the current and subsequent years on all notes, bonds, or other securities or obligations for debt issued by the authority and outstanding;

(4) the amount required by the authority to be reserved for all years to comply with financial covenants made with lenders, bond or note holders, or other creditors or contractors;

(5) any additional amount, which may include an amount for contingent liabilities, determined by the board to be the amount necessary for the full and timely payment of the current and continuing obligations of the authority, to avoid a default or impairment of those obligations; and

(6) any additional amount determined by the board to be necessary and appropriate to allocate to the unit of election because of current and continuing financial obligations of the authority that relate specifically to the unit of election.

(m) The unit of election's share of the financial obligations of the authority under the first five computations required by Subsection (1) of this section shall be in the same ratio that the population of the unit of election has to the total population of the authority, according to the most recent and available population data of an agency of the federal government, as determined by the board. The unit of election's total financial obligation is the sum of the first five computations required by Subsection (1) of this section plus the amount allocated directly to the unit of election under the last computation required by Subsection (1) of this section. The board shall certify to the governing body of the unit of election and to

the comptroller of public accounts the amount of the total financial obligation of the unit of election. The comptroller of public accounts shall continue to collect taxes in the unit of election until an aggregate amount equal to the total financial obligation of the unit of election has been collected and actually paid to the authority. After that amount has been collected, the comptroller of public accounts shall discontinue collecting in the unit of election the taxes imposed under this Act.

SECTION 7. This Act takes effect September 1, 1987.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

GREEN
BARRIENTOS
WHITMIRE

The amendment was read.

Senator Tejeda offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend C.S.H.B. 943 as follows:

1. Page 3, SECTION 3, sec. 12B (a) by inserting "created after April 1, 1978," after "authority".
2. Page 4, SECTION 4, sec. 3A by inserting "after April 1, 1978," after "created".
3. Page 5, SECTION 5, Sec. 325.0081, by inserting "after April 1, 1978," after "created".

The amendment was read and was adopted viva voce vote.

Senator Barrientos offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend C.S.H.B. 943 as follows:

(1) In SECTION 4, paragraph (a), after the word "percent" insert "or in which the principal city has a population of less than 340,000 according to the most recent federal census,"

The amendment was read and was adopted viva voce vote.

Senator Henderson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 4

Amend C.S.H.B. 943 by adding a new Section 3 to read as follows and renumbering subsequent sections accordingly:

SECTION 3. Section 11A, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), is amended by adding Subsection (e-1) to read as follows:

(e-1) In addition to the procedures provided by Subsection (e) of this section, in an authority having a principal city with a population of more than 1,200,000 according to the most recent federal census and in which the current tax rate exceeds one-half of one percent, the qualified voters of the authority by petition submitted to the board may require that an election be held on the question of decreasing the

tax rate to three-fourths of one percent or to one-half of one percent. A petition is valid if it is signed by qualified voters of the authority equal in number to at least 10 percent of the number of qualified voters who voted in the authority in the most recent gubernatorial election, and if the petition states the proposed reduced tax rate to take effect if the decrease is approved at the election. To be valid, a petition authorized by this subsection must be submitted to the board before September 1, 1989. This subsection expires September 1, 1990.

The amendment was read and was adopted viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 943 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 943 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE JOINT RESOLUTION 65 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.J.R. 65, Proposing a constitutional amendment in aid of turnpikes, toll roads, and toll bridges.

The resolution was read second time and was passed to third reading viva voce vote.

HOUSE JOINT RESOLUTION 65 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.J.R. 65 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 1364 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1364, Providing for agreements in aid of turnpike projects between the State Department of Highways and Public Transportation or counties, political subdivisions (including cities), or local governmental entities and the Texas Turnpike Authority, and the issuance of bonds.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **H.B. 1364** by amending Section 3(a) to read as follows:

“SECTION 3. (a) Upon a finding by the Commission that a project is immediately needed to relieve traffic congestion on existing state highways or such project, if constructed in the shortest possible time, will provide to the state a free highway more economically than if the Department constructed such project, the Commission on behalf of the Department is authorized to enter into agreements with the Authority, and the Authority is authorized to enter into agreements with the Department, for the purpose of joint ventures with respect to the sharing of Costs of such project as a turnpike, toll road, or toll bridge to be owned and operated by the Authority. Such agreements shall not exceed 40 years in term and may be payable from any money lawfully available to the Department, and may be subject to legislative appropriation if the source of payment is intended to be derived from sources which require legislative appropriations. Such agreements may also specify the length of time which the applicable project will remain a toll facility, and the use of revenues therefrom, may provide for the use of revenues from any project for a project or projects which are extensions of such original project or extensions thereto or is a part of an integrated system of turnpike projects, and shall provide that when the project is no longer a toll facility it will become a part of the state highway system.”

The amendment was read and was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 1364 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1364** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 24, Commending the people of "Thanks to Scandinavia" for their tireless efforts to keep alive the unparalleled example of bravery and valor of the Scandinavian people.

S.C.R. 104, Commending the Texas Association of Counties for helping provide the words for the Texas State Song, "Texas, Our Texas" and the Pledge to the Texas Flag to citizens across the state.

S.C.R. 110, Commending the Texas Elks Foundation for Handicapped Children for their 40 years of service.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE HOUSE BILL 1010
ON SECOND READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1010, Relating to reducing the number of students who drop out of public school.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 1010
ON THIRD READING**

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1010** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

**SENATE CONCURRENT RESOLUTION 50
ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 50, Establishing a special interim committee to study the problem of high school dropouts in Texas.

The resolution was read second time and was adopted viva voce vote.

HOUSE BILL 1421 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1421, Relating to eligibility for and the operation of the Texas Public School Retired Employees Group Insurance Program.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1421 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1421** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 2243 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2243, Relating to the Sunset Advisory Commission and the review of certain agencies by the commission.

The bill was read second time.

Senator Edwards offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 2243** by adding a new section immediately after SECTION 11 to read as follows and by renumbering subsequent sections accordingly:

SECTION 11. Sec. 61.0211, Education Code, is amended to read as follows:

Sec. 61.0211. APPLICATION OF THE SUNSET ACT. The Coordinating Board, Texas College and University System, is subject to the Texas Sunset Act (Chapter 325, Government Code). Unless continued in existence as provided by that Act, the board is abolished and this chapter expires September 1, ~~1989~~ 1991.

The committee amendment was read and was adopted viva voce vote.

Senator Edwards offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **H.B. 2243** as follows:

(1) On page 5, strike SECTION 8 in its entirety and renumber subsequent sections accordingly.

The committee amendment was read and was adopted viva voce vote.

Senator Edwards offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend H.B. 2243 on page 6 in the following respects:

- (1) At line 20, page 6, delete underlined language through line 1, page 7;
- (2) At line 8, page 7, delete underlined language through line 16.

The committee amendment was read and was adopted viva voce vote.

Senator Edwards offered the following committee amendment to the bill:

Committee Amendment No. 4

Amend H.B. 2243 by adding a new section to be appropriately numbered reading as follows:

SECTION _____. The Texas Sunset Act (Chapter 325, Government Code) is amended by adding Section 325.0126 to read as follows:

Sec. 325.0125. MONITORING OF RECOMMENDATIONS. During each legislative session, the staff of the commission shall monitor legislation affecting agencies that have undergone sunset review and shall periodically report to the members of the commission on proposed changes which would modify prior recommendations of the commission.

The committee amendment was read and was adopted viva voce vote.

Senator Green offered the following amendment to the bill:

Amend H.B. 2243 as follows:

- (1) Add an appropriately numbered section to read as follows:

SECTION _____. Chapter 117, Acts of the 55th Legislature, Regular Session, 1957, is amended by adding Section 2A to read as follows:

Sec. 2A. The Port of Houston Authority of Harris County is subject to review under the Texas Sunset Act (Chapter 325, Government Code), but is not abolished under that Act. The port authority shall be reviewed every 12 years. The first review shall occur during the period in which state agencies abolished September 1, 1991, are reviewed.

- (2) Renumber subsequent sections accordingly.

The amendment was read and was adopted viva voce vote.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 2243 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 2243 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 1293 ON SECOND READING

On motion of Senator Anderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1293, Relating to the exemption of fire department vehicles from certain width, length, and weight requirements.

The bill was read second time.

Senator Anderson offered the following committee amendment to the bill:

Amend **H.B. 1293** by deleting SECTION 1. and inserting:

SECTION 1. Section 3(a). Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929, (Article 6701d-11, Vernon's Texas Civil Statutes), is amended by adding Subdivision (6) to read as follows:

(6) The width limitations of this subsection do not apply to vehicles owned or operated by a public, private, or volunteer fire department.

The committee amendment was read and was adopted viva voce vote.

On motion of Senator Anderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 1293 ON THIRD READING

Senator Anderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1293** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 1637 ON SECOND READING

On motion of Senator Blake and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1637, Relating to the authority of the legislature and legislative agencies to accept gifts and grants.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 1637
ON THIRD READING**

Senator Blake moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 1637 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 1285 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1285, Relating to a contract for an improvement to a public school's real property.

The bill was read second time.

Senator Sims offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 1285**, Section 9A (a), Art. 2368a.2, V.T.C.S. to read as follows:

Sec. 9A. ~~[LEASE-PURCHASE]~~ **CONTRACTS FOR IMPROVEMENTS TO SCHOOL DISTRICT PROPERTY.** (a) The board of trustees of a school district may enter into a contract under this Act for the purpose of financing ~~[an]~~ improvements to real property ~~[if the contract is in the form of a lease with an option to purchase]~~. If the board proposes to enter such a contract, the board shall publish notice of intent to enter into the contract once not less than 60 days before the date set to execute the contract in a newspaper with general circulation in the district. The notice must summarize the major provisions of the proposed contract, including the maximum term of the contract, the payment provisions, the net effective interest rate to the district, and the district's right to terminate the contract.

The amendment was read and was adopted viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 2

Amend **H.B. 1285**, SECTION 4 by adding subparagraph (i) to Section 9A of the Public Property Finance Act (Art. 2368a.2., V.T.C.S.) to read as follows:

(i) Any improvement to real property occurring as the result of a contract under subsection (a) hereof must comply with the provisions of Article 2368a.3 and Article 5159a, Vernon's Texas Civil Statutes, as amended.

The amendment was read and was adopted viva voce vote.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 3

Delete lines 55 through 57 on page 1 of **H.B. 1285** and substitute in lieu thereof the following:

"to the validity of the contract. If"

The amendment was read.

Senator Sims moved to table Floor Amendment No. 3.

The motion was lost by the following vote: Yeas 5, Nays 23.

Yeas: Farabee, Glasgow, Santiesteban, Sims, Whitmire.

Nays: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Green, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Uribe, Washington, Zaffirini.

Absent: Jones, Tejeda.

Absent-excused: Truan.

Question recurring on the adoption of Floor Amendment No. 3, the amendment was adopted viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

(President in Chair)

HOUSE BILL 1285 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1285** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

(Senator Zaffirini in Chair)

BILL SIGNED

The Presiding Officer announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 658

(President in Chair)

HOUSE BILL 367 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 367, Relating to the jurisdiction of certain statutory probate courts in Harris County.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **H.B. 367** as follows:

(1) Add an appropriately numbered section to read as follows:

SECTION____. Article 9, Chapter II, The Texas Banking Code of 1943, as amended (Article 342-209, Vernon's Texas Civil Statutes), is amended to read as follows:

Art. 342-209. Call—Statements—Filing—Publication—Posting Penalty. The Commissioner shall call upon each state bank four times each year to make and publish a statement of its financial condition as of the close of business on a date specified in such call. Such statements shall be on such form and reflect such information as may be prescribed by the Commissioner. Such statement shall be published within the time specified in the call in some newspaper of general circulation published in the county of the bank's domicile, or if no such newspaper is published in said county, then in a newspaper of general circulation published in an adjacent county, and a publisher's certificate reflecting such publication shall be filed with the Commissioner within the time specified in the call. A copy of the latest called statement shall be kept posted in the lobby of the banking house and each branch at a point accessible to the public. A financial activity report shall be prepared and published for each bank which has been converted into a branch pursuant to Subsection (c), Section 1, Article 3, Chapter IX, of this code (Article 342-903, Vernon's Texas Civil Statutes). The reporting and publication requirements shall be set by rule by the Commissioner. Any state bank which fails to publish such statement or to file such publisher's certificate, within the periods herein prescribed in the call, or to post such notice, shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) to be collected by suit by the Attorney General on behalf of the Commissioner.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 367 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 367 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 921 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 921, Relating to the authority of the comptroller of public accounts to contract for information about revenue or property the state may be legally entitled to recover.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 921 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 921** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 657 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 657, Relating to judicial training concerning abuse or neglect of children.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 657 ON THIRD READING

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 657** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

(Senator Brooks in Chair)

MOTION TO PLACE**HOUSE BILL 474 ON SECOND READING**

Senator Krier moved to suspend the regular order of business to take up for consideration at this time:

H.B. 474, Relating to an exception from the open records law for photographs depicting a peace officer or campus security officer.

On motion of Senator Krier and by unanimous consent, the motion to suspend the regular order was withdrawn.

HOUSE BILL 1349 ON SECOND READING

On motion of Senator Anderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1349, Relating to the abolition of a municipality that ceases to have any residents.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1349 ON THIRD READING

Senator Anderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1349** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to **H.B. 508** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 368** by a non-record vote.

The House has concurred in Senate amendments to **H.B. 677** by a non-record vote.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(Senator Parmer in Chair)

HOUSE BILL 49 REREFERRED

On motion of Senator Brooks and by unanimous consent, **H.B. 49** was withdrawn from the Committee on Economic Development and rereferred to the Committee on Health and Human Services.

SENATE RULE 103 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Health and Human Services might consider **H.B. 2273** upon recess today.

SENATE RULE 103 SUSPENDED

On motion of Senator McFarland and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Criminal Justice might consider **H.B. 83** upon recess today.

SENATE RULE 103 SUSPENDED

On motion of Senator Parker and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider **H.B. 2079** at 1:30 p.m. today.

RECESS

On motion of Senator Brooks, the Senate at 12:23 p.m. took recess until 2:00 p.m. today.

AFTER RECESS

The Senate met at 2:00 p.m. and was called to order by the President.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

H.B. 119	H.B. 745	H.B. 2183
H.B. 133	H.B. 865	H.B. 2506
H.B. 412	H.B. 879	H.B. 2509
H.B. 441	H.B. 911	H.C.R. 32
H.B. 485	H.B. 1560	H.C.R. 84
H.B. 558	H.B. 1604	H.C.R. 99
H.B. 593	H.B. 1610	H.C.R. 100
H.B. 635	H.B. 1788	H.C.R. 106
H.B. 636	H.B. 1867	H.C.R. 220
H.B. 708	H.B. 1875	

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Brooks submitted the following report for the Committee on Health and Human Services:

H.B. 2273

By unanimous consent, Senator Henderson, Vice-Chairman, submitted the following report for the Committee on Criminal Justice:

H.B. 83 (Amended)

By unanimous consent, Senator Parker submitted the following report for the Committee on Education:

C.S.H.B. 1617
H.B. 2079 (Amended)
H.B. 1543
H.C.R. 149
H.B. 353
H.B. 102
H.B. 1561
C.S.H.B. 1642

SENATE BILL 1335 WITH HOUSE AMENDMENT

By unanimous consent, Senator Armbrister called **S.B. 1335** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment - G. Luna

Amend S.B. 1335 as follows:

- (1) On page 1, line 20, strike "and".
- (2) On page 2, line 7, between "spouses" and the period, insert the following:
; and
- (3) appeals of final rulings and decisions of the Industrial Accident Board

The amendment was read.

Senator Armbrister moved to concur in the House amendment.

The motion prevailed viva voce vote.

SENATE BILL 1336 WITH HOUSE AMENDMENT

By unanimous consent, Senator Armbrister called S.B. 1336 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment - Smithee

Amend S.B. 1336 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Chapter 452, Acts of the 68th Legislature, Regular Session, 1983 (Article 1970-380, Vernon's Texas Civil Statutes), is amended by adding Section 1A to read as follows:

Sec. 1A. REDESIGNATION. The County Court at Law of Williamson County is redesignated the County Court at Law No. 1 of Williamson County. A statutory reference to the County Court at Law of Williamson County means the County Court at Law No. 1 of Williamson County.

SECTION 2. Section 2(a), Chapter 452, Acts of the 68th Legislature, Regular Session, 1983 (Article 1970-380, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The County Court at Law of Williamson County has concurrent jurisdiction with the district court in:

(1) cases in which the matter in controversy exceeds \$500 and does not exceed \$50,000 [~~\$10,000~~], excluding interest;

(2) cases and proceedings involving family law matters, including adoptions; birth records; removal of disability of minority or coverture; change of names of persons; child welfare, custody, support and reciprocal support, dependency, neglect, or delinquency; paternity; termination of parental rights; divorce and marriage annulment, including the adjustment of property rights, custody and support of minor children involved therein, temporary support pending final hearing, and every other matter incident to divorce or annulment proceedings; independent actions involving child support and custody of minors and wife or child desertion; and independent actions involving controversies between parent and child, between parents, and between spouses; and

(3) appeals of final rulings and decisions of the Industrial Accident Board.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Armbrister moved to concur in the House amendment.

The motion prevailed viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 1866
ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1866, Relating to the procedure for adoption of a property tax rate, providing a limitation on the use of taxes levied to pay debt, and the procedure for pledging taxes to pay debt.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend **C.S.H.B. 1866** as follows:

(1) On page 3, add a new subsection following line 25 to read as follows:

(18) "Equalization rate" means a rate expressed in dollars per \$100 of taxable value that would generate the amount of revenue equivalent to the increase in the district's local share of the Foundation School Program from the preceding school year to the current school year and any additional amount necessary to qualify for equalization aid or increased enrichment equalization aid under Section 16.157, Education Code, as certified by the commissioner of education.

(2) On page 4, add the following language to line 2 after the words "Current Debt Rate":

§ Equalization Rate

(3) On page 11, add the following language to lines 27 and 28 after the words "Current Debt Rate":

§ Equalization Rate

(4) On page 12, amend Section 13 by adding the following language after "January 1, 1988":

, except that any provisions of this Act which apply to school districts shall take effect for the 1987-88 school year.

The amendment was read and was adopted viva voce vote.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Question - Shall the bill as amended be passed to third reading?

**COMMITTEE SUBSTITUTE HOUSE BILL 1169
ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1169, Relating to the renaming and operation of and issuance of bonds for projects by the Texas Public Building Authority and to the acquisition of existing buildings or the substitution of acquisition for construction previously authorized.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.H.B. 1169 by striking in its entirety Subsection (c) of Section 9 (page 12, line 7 through page 13, line 17) and substituting in lieu thereof the following:

(c) If bonds have been issued by the Texas Public Finance Authority pursuant to a lease with the commission for the construction of one or more buildings containing more than 50,000 square feet, at any time before a final construction contract is entered into for the buildings, the commission shall determine whether acquisition and renovation of other buildings and improvements is a more financially advantageous means of meeting current and future office space needs of the state than constructing the buildings, and if that determination is made, proceeds of the bonds may be used to finance the costs of all or a part of the acquisition and renovation of these buildings and improvements instead of construction of buildings as originally authorized. The determination of financial advantage to the state must be made after the commission has advertised and received bids from owners of buildings and improvements, using the same procedures for purchase of other property, for the purchase of one or more buildings and improvements to provide office space generally comparable to that of the buildings proposed to be constructed. The commission shall compare construction and purchase as fairly as possible considering such factors and inputting value, but not necessarily requiring reconstruction, to determine the most advantageous action to be taken, including but not limited to consideration of the following factors:

- (1) the cost of acquiring land at current appraised market value;
- (2) the costs of converting one or more private buildings to state building specifications;
- (3) the net usable space as configured for the State's use;
- (4) the savings due to immediate availability of the purchased buildings;
- (5) the potential savings by fixing the cost of purchase and not incurring construction risks;
- (6) building enhancements such as location, accessibility, parking space and landscaping;
- (7) the remaining useful life of mechanical components of a purchased building;
- (8) the building's ability to satisfy the functional requirements of the probable users;
- (9) the anticipated annual cost of maintenance and operations.

The amendment was read and was adopted viva voce vote.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.H.B. 1169 by adding a subsection (g) to Section 9 to read as follows:

(g) Any person from whom real property or any existing buildings or other improvements are purchased under this section shall provide to the commission the name and the last known address of each person who (i) owns record legal title to the property, buildings, or other improvements or (ii) owns a beneficial interest in the property, buildings, or other improvements through a trust, nominee, agent, or any other legal entity.

The amendment was read and was adopted viva voce vote.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 1169
ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 1169 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**COMMITTEE SUBSTITUTE HOUSE BILL 843
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 843, Relating to inclusion of benefits for in vitro fertilization procedures under certain accident and sickness insurance policies, health maintenance organizations, and other health benefit plans and arrangements.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 843
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 843 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 1405 ON SECOND READING

On motion of Senator Caperton and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1405, Relating to economic diversification through technology commercialization at Texas universities.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1405 ON THIRD READING

Senator Caperton moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 1405 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 613 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 613, Relating to the contents of a voter registration application.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 613 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 613** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 425 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 425, Relating to special license plates for the surviving spouses of disabled veterans.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 425 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 425** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 15 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 15, Relating to suits by or against Texas Southern University.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 285 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 285, Relating to the availability of special license plates for the surviving spouses of former prisoners of war.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 285 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 285** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**COMMITTEE SUBSTITUTE HOUSE BILL 1977
ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1977, Relating to the removal of beverages from the premises of a private club and further defining certain premises.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 1977
ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1977** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 710 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 710, Relating to the voluntary designation of a homestead.

The bill was read second time.

Senator Uribe offered the following amendment to the bill:

Amend **H.B. 710** on page 2, between lines 25 and 26, by inserting the following:

(f) An instrument that made a voluntary designation of a homestead in accordance with prior law and that is on file with the county clerk on September 1, 1987, is considered a voluntary designation of a homestead under this section.

The amendment was read and was adopted viva voce vote.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

HOUSE BILL 710 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 710** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

**COMMITTEE SUBSTITUTE HOUSE BILL 2329
ON SECOND READING**

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 2329, Relating to the application of sales and use taxes to certain use, consumption, or loss of electricity.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 2329
ON THIRD READING**

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 2329** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 1328 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1328, Relating to certain fees charged for water district supervision by the Texas Water Commission.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1328 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1328** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 1329 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1329, Relating to certain fees charged to permittees and licensees of the Texas Water Commission.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1329 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1329** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

HOUSE BILL 802 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 802, Relating to the authority of a podiatrist to certify certain disabilities for insurance purposes.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 802 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 802** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1536
ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1536, Relating to powers of certain rapid transit authorities with respect to parking facilities, stations or terminal complexes, setting of fares, and use of increased taxes.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 1536
ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1536** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

SENATE BILL 1047 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1047, Authorizing the sale to the highest bidder of certain land in Travis County by the Department of Public Safety; providing for the use of proceeds.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 1047 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1047** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 1849 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1849, Relating to the amount and terms of, and fees payable in connection with, student loans from the Texas Opportunity Plan Fund.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1849 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1849** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

HOUSE BILL 1041 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1041, Relating to sick leave for public school employees.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1041 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1041** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1011 WITH HOUSE AMENDMENTS

By unanimous consent, Senator Barrientos called **S.B. 1011** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - Stiles

Amend **S.B. 1011** as follows:

(1) On page 2, line 19, insert the following after the period: After reasonable notice and an opportunity for a hearing, the public body may recover from the contractor or subcontractor who is found to be in violation of this Act any administrative costs incurred by the public body in implementing or enforcing this

section. A public body, or an officer, agent, or employee of a public body, is not liable in a civil action for any act performed in good faith in implementing or enforcing this Act.

(2) On page 3, between lines 21 and 22, insert the following:

(g) A contractor or subcontractor who violates a requirement of this Act relating to a public works contract entered with a public body is ineligible to bid on or receive an additional public works contract from that public body during the calendar year after the year in which the violation occurred. The public body shall provide reasonable notice of this requirement to each contractor or subcontractor who bids on or receives a public works contract.

Floor Amendment - Stiles

Amend the committee amendment to **S.B. 1011** on page 5 of the House Committee Report by striking lines 13-19 and substituting the following:

(g) A contractor or subcontractor who violates a requirement of this Act relating to a public works contract entered with a public body may, at the public body's discretion, be determined ineligible to bid on, receive, or perform work on an additional public works contract entered by that public body during the calendar year after the year in which the violation occurred. The public body shall provide reasonable notice of this possibility to each contractor or subcontractor who bids on, receives, or performs work on a public works contract.

The amendments were read.

Senator Barrientos moved to concur in the House amendments.

The motion prevailed viva voce vote.

HOUSE BILL 746 ON SECOND READING

On motion of Senator Parmer and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 746, Relating to the regulation of the care and treatment of animals in riding stables; providing a penalty.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 746 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 746** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Truan.

The bill was read third time and was passed viva voce vote.

SENATE BILL 1225 WITH HOUSE AMENDMENTS

By unanimous consent, Senator Henderson called **S.B. 1225** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment - Hilbert

Amend S.B. 1225 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Sections 2(a), (d), and (e), Property Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The governing body of an incorporated city or town eligible to enter into tax abatement agreements under Section 2A of this Act shall agree in writing with the owner of taxable real property located in an area designated as a reinvestment zone under Section 3 of this Act, but not located within an improvement project financed by tax increment bonds, to exempt from taxation all or part of the increase in the value of the property over its value in the year in which the agreement is executed for any period not in excess of 15 years, subject to the rights of holders of outstanding bonds of the city or town, on the condition that the owner of the property make specified improvements or repairs to the property in conformity with the comprehensive plan, if any, of the city or town. Written agreements with property owners located within a reinvestment zone shall contain identical terms regarding the share of value of the property that is to be exempt from the taxation under the agreement and the duration of the exemption. The property subject to an agreement made under this section may be located in the extraterritorial jurisdiction of the city or town. In that event, the agreement applies to taxes of the city or town if the city or town annexes the property during the period specified in the agreement.

(d) If an area is designated a reinvestment zone, the governing body of each county or school district eligible to enter into tax abatement agreements under Section 2A of this Act ~~[every taxing unit]~~ that includes inside its boundaries property that is contained inside the boundaries of the reinvestment zone may execute a written agreement with the owner of any property on which the property taxes are abated due to an agreement under Subsection (a) of this section. Such an agreement must contain terms identical to those contained in the agreement with the city or town regarding the share of the property that is to be exempt from taxation under the agreement, the duration of the exemption, and the provisions included in the agreement pursuant to Subsections (b) and (c) of this section. If property taxes are abated due to an agreement under Subsection (a) of this section, the terms of the agreement with the city or town regarding the share of the property that is to be exempt in each year of the agreement apply to the taxation of the property by every other taxing unit, other than a county or school district, in which the property is located. [If a taxing unit fails to execute such an agreement, the taxing unit is limited to taxing any property that is the subject of an agreement under Subsection (a) of this section at the same value at which the property was taxed in the year preceding the execution of the agreement with the city or town, for a period of time equal to twice the duration of the agreement with the city or town.] This subsection does not apply to property located in the extraterritorial jurisdiction of the city or town.

(e) If the governing body of a city or town designates a reinvestment zone that includes property located in the extraterritorial jurisdiction of the city or town, the governing body of a county or school district eligible to enter into tax abatement agreements under Section 2A of this Act ~~[any other taxing unit]~~ in which the property is located may execute a written agreement with the owner of the property to exempt from property taxes all or part of the value of the property in the same manner as provided by this section for the city or town. The terms of the agreement are not required to be identical to the terms of an agreement executed by the city or town for the property, and the county or school district ~~[taxing unit]~~ may execute an agreement even if the city or town does not execute an agreement for the

property. However, if the governing body of another eligible county or school district has previously executed an agreement to exempt all or part of the value of the property and that agreement is still in effect, the terms of the subsequent agreement relating to the share of the property that is to be exempt in each year that the existing agreement remains in effect must be identical to those of the existing agreement. If property taxes are abated on property in the extraterritorial jurisdiction of a city or town due to an agreement with a county or school district under this subsection, the terms of the agreement with the county or school district relating to the share of the property that is to be exempt in each year of the agreement apply to the taxation of the property by every other taxing unit, other than a city, town, school district, or county, in which the property is located.

SECTION 2. The Property Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas Civil Statutes) is amended by adding Section 2A to read as follows:

Sec. 2A. ELIGIBILITY OF TAXING UNIT TO PARTICIPATE IN TAX ABATEMENT. (a) A city, town, county, or school district may not enter into a tax abatement agreement under this Act and the governing body of a city, town, or county may not designate an area as a reinvestment zone unless the governing body has established guidelines and criteria governing tax abatement agreements by the city, town, county, or school district and a resolution stating that the city, town, county, or school district elects to become eligible to participate in tax abatement.

(b) The governing body of a city, town, county, or school district may not enter into a tax abatement agreement under this Act unless it finds that the terms of the agreement and the property subject to the agreement meet the applicable guidelines and criteria adopted by the governing body under this section.

(c) The guidelines and criteria adopted under this section are effective for two years from the date adopted. During that period, the guidelines and criteria may be amended or repealed only by a vote of three-fourths of the members of the governing body.

SECTION 3. Section 3(a), Property Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) To be designated as a reinvestment zone, an area must:

(1) substantially impair or arrest the sound growth of a city or town, retard the provision of housing accommodations, or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use by reason of the presence of a substantial number of substandard, slum, deteriorated, or deteriorating structures; predominance of defective or inadequate sidewalk or street layout; faulty lot layout in relation to size, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; the existence of conditions that endanger life or property by fire or other cause; or any combination of these factors or conditions;

(2) be predominantly open and, because of obsolete platting or deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the city or town;

(3) be in a federally assisted new community located within a home-rule city or in an area immediately adjacent to the federally assisted new community;

(4) be located wholly within an area which meets the requirements for federal assistance under Section 119 of the Housing and Community Development Act of 1974;

(5) encompass signs, billboards, and other outdoor advertising structures designated by the governing body of the incorporated city or town for relocation, reconstruction, or removal for the purpose of enhancing the physical environment of the city or town, which the legislature hereby declares to be a public purpose; [or]

(6) be designated a local or state-federal enterprise zone under the Texas Enterprise Zone Act; or

(7) be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the city or town.

SECTION 4. Sections 7A(a) and (e), Property Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The commissioners court of a county eligible to do so under Section 2A of this Act by order may designate as a reinvestment zone any area of the county that does not contain area in the taxing jurisdiction of an incorporated city or town. The commissioners court may not designate an area as a reinvestment zone until the commissioners court has held a public hearing on the designation and has found that the designation would contribute to the retention or expansion of primary employment or would attract major investment in the zone that would be a benefit to the property to be included in the zone, and that development anticipated to occur in the proposed zone would contribute to the economic development of the county. At the hearing, interested persons are entitled to speak and present evidence for or against the designation. Notice of the hearing must be given in the same manner as provided for notice of a hearing to be held by a city as provided by Subsection (b) of Section 5 of this Act.

(e) The commissioners court may execute a tax abatement agreement with the owner of taxable real property located in a reinvestment zone designated under this section. The execution, duration, and other terms of an agreement made under this subsection are governed by the provisions of Section 2 of this Act applicable to a city or town. A tax abatement agreement made by a county under this section has the same effect on the school district and other taxing units in which the property subject to the agreement is located as is provided by Subsection (d) of Section 2 of this Act for an agreement made by a city or town under Section 2 of this Act to abate taxes on property located in the taxing jurisdiction of the city or town. If property subject to an agreement with a county under this section is annexed by an incorporated city or town during the existence of the agreement, the governing body of the city or town may [must] enter into an agreement in the same manner as a school district [any other taxing unit] until the termination of the county agreement~~[, or the city or town is limited to taxing the property subject to the agreement at the taxable value of the property in the year preceding the execution of the county agreement until the termination of the county agreement plus a period of additional years immediately following the termination of the county agreement equal to the number of years in which the county agreement was in effect].~~

SECTION 5. (a) The change in law made by this Act applies only to the effect on other taxing units of a tax abatement agreement made by a city or town under Section 2, Property Redevelopment and Tax Abatement Act (Article 1066f, Vernon's Texas Civil Statutes), or by a county under Section 7A of that Act on or after the effective date of this Act. The effect on other taxing units of a tax abatement agreement made by a city under Section 2 of that Act or by a county under Section 7A of that Act before the effective date of this Act is governed by the law in effect when the agreement is made, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act does not affect the validity of the designation of a reinvestment zone or of a tax abatement agreement made under the Property Redevelopment and Tax Abatement Act before the effective date of this Act.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1 - A. Luna

Amend C.S.S.B. 1225 on page 8 line 15 by creating a new SECTION 6 to read as follows:

"SECTION 6. The effective date of this Act is September 1, 1987." and further amend C.S.S.B. 1225 renumbering the emergency clause as SECTION 7.

Floor Amendment No. 2 - A. Luna

Amend C.S.S.B. 1225 on page 8 line 8 by inserting the following after the word "Act": ", together with any amendments or extensions of such tax abatement agreement (even if such amendments or extensions are made after the effective date of this Act)." and further amend C.S.S.B. 1225 on page 8, line 9 by inserting the following before the word "agreement": "original tax abatement"

The amendments were read.

Senator Henderson moved to concur in the House amendments.

The motion prevailed viva voce vote.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Blake announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:30 a.m. on Saturday, May 23, 1987, and that all bills and resolutions would be considered on second and/or third reading in the order in which they are listed.

MOTION TO RECESS

On motion of Senator Washington and by unanimous consent, the Senate agreed to take recess until 8:30 a.m. tomorrow. The Senate further agreed to take recess at the conclusion of tomorrow's Local Calendar Session until 9:30 a.m. tomorrow.

MEMORIAL RESOLUTION

S.C.R. 137 - By Brooks: Memorial resolution for Wilbur Cohen.

CONGRATULATORY RESOLUTIONS

S.R. 617 - By Washington: Commending Jewell Boutte'.

S.R. 619 - By Brown: Extending congratulations to the Bay Area Baptist Church, League City.

S.R. 620 - By Caperton: Extending congratulations to Michael Marco Perrone IV.

S.R. 621 - By Barrientos: Commending Maggie Kuhn.

S.R. 622 - By Tejeda: Commending Jack Fortier.

S.R. 623 - By Harris: Commending Margaret Bacon.

RECESS

On motion of Senator Washington, the Senate at 2:55 p.m. took recess until 8:30 a.m. tomorrow.

JOURNAL OF THE SENATE
of the
STATE OF TEXAS

REGULAR SESSION
of the
SEVENTIETH LEGISLATURE

Convened January 13, 1987

Adjourned June 1, 1987

VOLUME II

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